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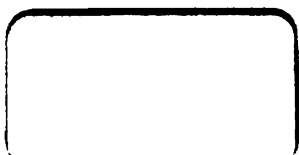
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# CONSTITUTION

OF THE

COMMONWEALTH OF PENNSYLVANIA;

ALSO-

## LAWS OF THE GENERAL ASSEMBLY OF SAID COMMONWEALTH,

PASSED AT THE

SESSION OF 1874,

IN THE NINETY-EIGHTH YEAR OF INDEPENDENCE,

TOGETHER WITH

*A Proclamation by the Governor, declaring that he has filed certain  
Bills in the Office of the Secretary of the Commonwealth,  
with his objections thereto; also a List of Charters of  
Corporations organized under general cor-  
poration act of April 29th, 1874, and*

AN APPENDIX.

**BY AUTHORITY.**

HARRISBURG:

BENJAMIN SINGERLY, STATE PRINTER.

1874.





# CONSTITUTION

OF THE

## COMMONWEALTH OF PENNSYLVANIA.

### PREAMBLE.

WE, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

### ARTICLE I.

#### *Declaration of Rights.*

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE THAT—

SECTION 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness. Equality and rights of men.

SECTION 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper. Political powers inherent in the people. Their right to reform government.

SECTION 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship. Natural rights of conscience and freedom of worship.

SECTION 4. No person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth. Religious opinions not to disqualify for holding office.

SECTION 5. Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Freedom of elections.

SECTION 6. Trial by jury shall be as heretofore, and the right thereof remain inviolate. Trial by jury.

SECTION 7. The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official con- Freedom of the press.

duct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Searches and seizures limited.

SECTION 8. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

Rights of defence and privileges in criminal prosecutions.

SECTION 9. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

Criminal information limited. Twice in jeopardy. Appropriation of private property to public use.

SECTION 10. No person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

Administration of justice to be free. Suits against the Commonwealth.

SECTION 11. All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

Limitation upon suspension of laws.

SECTION 12. No power of suspending laws shall be exercised unless by the Legislature or by its authority.

Excessive bail or fines and cruel punishment forbidden.

SECTION 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Prisoners bailable. Habeas corpus.

SECTION 14. All prisoners shall be bailable by sufficient sureties, unless for capital offences when the proof is evident or presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

No commission of oyer and terminer to issue.

SECTION 15. No commission of oyer and terminer or jail delivery shall be issued.

Imprisonment of insolvent debtors limited.

SECTION 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

Laws *ex post facto* or impairing contracts, irrevocable grants, &c., forbidden.

SECTION 17. No *ex post facto* law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

No legislative attainder of treason or felony.

SECTION 18. No person shall be attainted of treason or felony by the Legislature.

Attainder shall not work corruption of blood or forfeiture beyond life.

SECTION 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death, and if any person shall be killed by casualty there shall be no forfeiture by reason thereof.

No forfeiture for suicide or in case of death by casualty.

Rights of meeting and petition.

SECTION 20. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

**SECTION 21.** The right of the citizens to bear arms in defence of themselves and the State shall not be questioned.

Right to bear arms.

**SECTION 22.** No standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

Subordination of the military to the civil power.

**SECTION 23.** No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Quartering of troops in houses.

**SECTION 24.** The Legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior.

No title of nobility to be created, etc., or office tenure beyond good behavior.

**SECTION 25.** Emigration from the State shall not be prohibited.

Emigration permitted.

**SECTION 26.** To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

Everything in this article excepted from the powers of government.

## ARTICLE II.

### *The Legislature.*

**SECTION 1.** The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.

The legislative power vested.

**SECTION 2.** Members of the General Assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

Biennial elections.

**SECTION 3.** Senators shall be elected for the term of four years and Representatives for the term of two years.

Legislative terms.

**SECTION 4.** The General Assembly shall meet at twelve o'clock, noon, on the first Tuesday of January every second year, and at other times when convened by the Governor, but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two Houses, by proclamation on notice not exceeding sixty days, to fill the same.

Biennial meetings.

Special sessions.

**SECTION 5.** Senators shall be at least twenty-five years of age and Representatives twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States or of this State,) and shall reside in their respective districts during their terms of service.

Qualifications of Senators and Representatives.

**SECTION 6.** No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this Commonwealth shall be a member of either House during his continuance in office.

Disqualification for appointment to office.

Members of Congress, etc., ineligible to General Assembly.

**SECTION 7.** No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.

Conviction of certain crimes to disqualify.

**SECTION 8.** The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall, during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.

Compensation.

**SECTION 9.** The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members President *pro tempore*, who shall perform the duties of the Lieutenant Governor, in any case of absence or disa-

Presiding officers.

Each House to judge of the qualifications of its members.

bility of that officer, and whenever the said office of Lieutenant Governor shall be vacant. The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers, and shall judge of the election and qualifications of its members.

Quorum.

SECTION 10. A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

Powers of each House.

SECTION 11. Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offence.

Each House shall keep and publish a journal.

SECTION 12. Each House shall keep a journal of its proceedings and from time to time publish the same, except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

Sessions to be open.

SECTION 13. The sessions of each House and of committees of the whole shall be open, unless when the business is such as ought to be kept secret.

Adjournments.

SECTION 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Privileges of members.

SECTION 15. The members of the General Assembly shall in all cases, except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Senatorial districts.

SECTION 16. The State shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio; and no county shall be divided unless entitled to two or more Senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

Representative districts.

SECTION 17. The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the State as ascertained by the most recent United States census by two hundred. Every county containing less than five ratios shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every city entitled to more than four representatives, and every county having over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to

elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

SECTION 18. The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts agreeably to the provisions of the two next preceding sections. Apportionments.

### ARTICLE III.

#### *Legislation.*

SECTION 1. No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose. Passage of bills.

SECTION 2. No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members. Reference and printing.

SECTION 3. No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title. To contain but one subject expressed in title.

SECTION 4. Every bill shall be read at length on three different days in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor. To be read on three days.  
Amendments to be printed.  
Yeas and nays.

SECTION 5. No amendment to bills by one House shall be concurred in by the other, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either House only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals. Votes concurring in amendments and on reports of conference to be yeas and nays.

SECTION 6. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be re-enacted and published at length. Revival of law.

SECTION 7. The General Assembly shall not pass any local or special law Limitation on special legislation, &c.

Authorizing the creation, extension or impairing of liens:

Regulating the affairs of counties, cities, townships, wards, boroughs or school districts:

Changing the names of persons or places:

Changing the venue in civil or criminal cases:

Authorizing the laying out, opening, altering or maintaining, roads, highways, streets or alleys:

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State:

Vacating roads, town plats, streets or alleys:

Relating to cemeteries, graveyards, or public grounds not of the State:

Authorizing the adoption or legitimation of children:

Locating or changing county seats, erecting new counties or changing county lines:

Incorporating cities, towns or villages, or changing their charters:

For the opening and conducting of elections, or fixing or changing the place of voting:

Granting divorces:

Erecting new townships or boroughs, changing township lines, borough limits or school districts:

Creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school districts.

Changing the law of descent or succession :

Regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate :

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables :

Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes :

Fixing the rate of interest :

Affecting the estates of minors or persons under disability, except after due notice to all parties in interest, to be recited in the special enactment :

Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury :

Exempting property from taxation :

Regulating labor, trade, mining or manufacturing :

Creating corporations, or amending, renewing or extending the charters thereof :

Granting to any corporation, association or individual any special or exclusive privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track :

Nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law ; but laws repealing local or special acts may be passed :

Nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.

Notice of local or special bills.

SECTION 8. No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be effected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill and in the manner to be provided by law ; the evidence of such notice having been published, shall be exhibited in the General Assembly, before such act shall be passed.

Signing of bills by presiding officers.

SECTION 9. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles have been publicly read immediately before signing ; and the fact of signing shall be entered on the journal.

Legislative officers.

SECTION 10. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employees of each House, and no payment shall be made from the State Treasury, or be in any way authorized, to any person, except to an acting officer or employee elected or appointed in pursuance of law.

No extra compensation to officers or contractors.

SECTION 11. No bill shall be passed giving any extra compensation to any public officer, servant, employee, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth without previous authority of law.

Public printing.

SECTION 12. All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law ; no member or officer of any department of the government shall be in any way interested in such contracts, and

all such contracts shall be subject to the approval of the Governor, Auditor General and State Treasurer.

SECTION 13. No law shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

No extension of official terms or increase of compensation.

SECTION 14. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

Revenue bills.

SECTION 15. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the Commonwealth, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

Appropriation bills.

SECTION 16. No money shall be paid out of the Treasury, except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

Payments of moneys from the treasury.

SECTION 17. No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

Appropriations to charitable institutions.

SECTION 18. No appropriations, except for pensions or gratuities for military services, shall be made for charitable, educational or benevolent purposes, to any person or community, nor to any denomination or sectarian institution, corporation or association.

Appropriations for charitable purposes, etc., limited.

SECTION 19. The General Assembly may make appropriations of money to institutions wherein the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated; but such appropriation shall be applied exclusively to the support of such widows and orphans.

Appropriations may be made for widows and orphans of soldiers.

SECTION 20. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Power over municipal administration not to be delegated.

SECTION 21. No act of the General Assembly shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property; and, in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

No limitation of damages for certain injuries.

Nor of time for bringing suits.

SECTION 22. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees, in the bonds or stock of any private corporation, and such acts now existing are avoided saving investments heretofore made.

Investment of trust funds.

SECTION 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

Changes of venue.

SECTION 24. No obligation or liability of any railroad, or other corporation, held or owned by the Commonwealth, shall ever be exchanged, transferred, remitted, postponed or in any way diminished by the General Assembly, nor shall such liability or obligation be released, except by payment thereof into the State Treasury.

No obligation of corporations to the State to be released, etc.

SECTION 25. When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Limitations of legislative power at special sessions.

SECTION 26. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the question of

Concurrent orders, resolutions and votes.



take effect be approved by him, or being disapproved, shall be re-passed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill.

No State inspectors of merchandise.

SECTION 27. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

Changing location of State Capital.

SECTION 28. No law changing the location of the Capital of the State shall be valid until the same shall have been submitted to the qualified electors of the Commonwealth at a general election and ratified and approved by them.

Bribery by members of General Assembly.

SECTION 29. A member of the General Assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offence, and such additional punishment as is or shall be provided by law.

Bribery of members of General Assembly and officers.

SECTION 30. Any person who shall, directly or indirectly, offer, give or promise, any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law.

The offence of corrupt solicitation to be punished by fine and imprisonment.

SECTION 31. The offence of corrupt solicitation of members of the General Assembly or of public officers of the State or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law and shall be punished by fine and imprisonment.

Witnesses to testify in cases of bribery and solicitation.

SECTION 32. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offence of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offences aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this Commonwealth.

Punishment.

SECTION 33. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

Interested members shall not vote.

## ARTICLE IV.

### *The Executive.*

Executive officers.

SECTION 1. The Executive Department of this Commonwealth shall consist of a Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs and a Superintendent of Public Instruction.

The Governor.

SECTION 2. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the Commonwealth, at the places where they shall vote

His election.

shall be sealed up and transmitted to the seat of government, directed to the President of the Senate, who shall open and publish them in the presence of the members of both Houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee, to be selected from both Houses of the General Assembly, and formed and regulated in such manner as shall be directed by law.

Returns of election.

Contested elections.

SECTION 3. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

Term of the Governor.

SECTION 4. A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall be President of the Senate, but shall have no vote unless they be equally divided.

The Lieutenant Governor.

SECTION 5. No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the United States, who shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the State, unless he shall have been absent on the public business of the United States or of this State.

Qualifications of Governor and Lieutenant Governor.

SECTION 6. No member of Congress or person holding any office under the United States or this State shall exercise the office of Governor or Lieutenant Governor.

Congressmen, &c. disqualified.

SECTION 7. The Governor shall be commander-in-chief of the army and navy of the Commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

Governor to command militia.

SECTION 8. He shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen, in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session: he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor General, State Treasurer, Secretary of Internal Affairs or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy, in an elective office, a person shall be chosen to said office at the next general election, unless the vacancy shall happen within three calendar months immediately preceding such election, in which case the election for said office shall be held at the second succeeding general election.

Power of Governor to appoint with consent of Senate.

To fill vacancies.

In acting on Executive nominations the Senate shall sit with open doors, and, in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays, and shall be entered on the journal.

Senate to act on nominations with open doors.  
Votes to be recorded.

SECTION 9. He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant Governor, Secretary of the Commonwealth, Attorney General and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session, and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

Pardoning power

Governor may require information from Executive officers.

Shall give information and recommend measures to General Assembly.

May convene General Assembly, and adjourn the two Houses when they disagree.

Lieutenant Governor to act as Governor.

President *pro tempore* of the Senate.

Approval of bills.

Veto.

Retained bills to become laws.

Exception.

A partial veto allowed on appropriation bills.

Chief Justice to preside on trial of contested election of Governor or Lieutenant Governor.

Secretary of Commonwealth.

SECTION 10. He may require information in writing from the officers of the Executive Department, upon any subject relating to the duties of their respective offices.

SECTION 11. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient.

SECTION 12. He may, on extraordinary occasions, convene the General Assembly, and in case of disagreement between the two Houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session by proclamation for the transaction of Executive business.

SECTION 13. In case of the death, conviction on impeachment, failure to qualify, resignation, or other disability of the Governor, the powers, duties and emoluments of the office, for the remainder of the term, or until the disability be removed, shall devolve upon the Lieutenant Governor.

SECTION 14. In case of a vacancy in the office of Lieutenant Governor, or when the Lieutenant Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the President *pro tempore* of the Senate; and the President *pro tempore* of the Senate shall in like manner become Governor; his seat as Senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the Senate.

SECTION 15. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve he shall sign it, but if he shall not approve he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large upon their journal, and proceed to re-consider it. If, after such re-consideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House by which likewise it shall be re-considered, and if approved by two-thirds of all the members elected to that House it shall be a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each House, respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of the Commonwealth, and give notice thereof by public proclamation within thirty days after such adjournment.

SECTION 16. The Governor shall have power to disapprove of any item or items of any bill, making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of other bills over the Executive veto.

SECTION 17. The Chief Justice of the Supreme Court shall preside upon the trial of any contested election of Governor or Lieutenant Governor and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. The Governor and Lieutenant Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

SECTION 18. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and when required lay the same, with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly, and perform such other duties as may be enjoined upon him by law.

SECTION 19. The Secretary of Internal Affairs shall exercise all the powers and perform all the duties of the Surveyor General, subject to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics, and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber and other material or business interests of the State as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the General Assembly.

Secretary of Internal Affairs.

SECTION 20. The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the Superintendent of Common Schools, subject to such changes as shall be made by law.

Superintendent of Public Instruction

SECTION 21. The term of the Secretary of Internal Affairs shall be four years; of the Auditor General three years; and of the State Treasurer two years. These officers shall be chosen by the qualified electors of the State at general elections. No person elected to the office of Auditor General or State Treasurer shall be capable of holding the same office for two consecutive terms.

Terms of heads of departments.

SECTION 22. The present Great Seal of Pennsylvania shall be the seal of the State. All commissions shall be in the name and by authority of the Commonwealth of Pennsylvania, and be sealed with the State seal and signed by the Governor.

Seal of State.

Commissions to be signed and sealed.

## ARTICLE V.

### *The Judiciary.*

SECTION 1. The judicial power of this Commonwealth shall be vested in a Supreme Court, in courts of common pleas, courts of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' courts, magistrates' courts, and in such other courts as the General Assembly may from time to time establish.

The courts.

SECTION 2. The Supreme Court shall consist of seven judges, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire shall be chief justice, and thereafter each judge whose commission shall first expire shall in turn be chief justice.

The Supreme Court. Tenure of judges. Chief Justice.

SECTION 3. The jurisdiction of the Supreme Court shall extend over the State, and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties; they shall have original jurisdiction in cases of injunction where a corporation is a party defendant, of *habeas corpus*, of *mandamus* to courts of inferior jurisdiction, and of *quo warranto* as to all officers of the Commonwealth whose jurisdiction extends over the State, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction by appeal, *certiorari* or writ of error in all cases, as is now or may hereafter be provided by law.

Jurisdiction of Supreme Court.

SECTION 4. Until otherwise directed by law, the courts of common pleas shall continue as at present established, except as herein changed; not more than four counties shall, at any time, be included in one judicial district organized for said courts.

Courts of common pleas. Districts not to contain more than four counties.

SECTION 5. Whenever a county shall contain forty thousand inhabitants it shall constitute a separate judicial district, and shall elect one judge learned in the law; and the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide. The office of associate judge, not learned in the law, is abolished in counties forming separate districts; but the several associate judges in office when this Constitution shall be adopted shall serve for their unexpired terms.

Judicial districts.

Office of associate judge abolished.

Common pleas courts in Philadelphia and Allegheny.

Increase of judges in common pleas courts.

Prothonotary in Philadelphia.

Separate dockets for courts; but one judgment and lien docket.

Criminal courts in Philadelphia and Allegheny.

Jurisdiction of common pleas judges.

May issue writs of certiorari to inferior courts.

Justices of the peace and aldermen.

**SECTION 6.** In the counties of Philadelphia and Allegheny all the jurisdiction and powers now vested in the district courts and courts of common pleas, subject to such changes as may be made by this Constitution or by law, shall be in Philadelphia vested in four, and in Allegheny in two, distinct and separate courts of equal and co-ordinate jurisdiction, composed of three judges each; the said courts in Philadelphia shall be designated respectively as the court of common pleas number one, number two, number three and number four, and in Allegheny as the court of common pleas number one and number two, but the number of said courts may be by law increased, from time to time, and shall be in like manner designated by successive numbers; the number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia all suits shall be instituted in the said courts of common pleas without designating the number of said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court, and each court, to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law. In Allegheny each court shall have exclusive jurisdiction of all proceedings at law and in equity, commenced therein, subject to change of venue as may be provided by law.

**SECTION 7.** For Philadelphia there shall be one prothonotary's office, and one prothonotary for all said courts to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket which shall contain the judgments and liens of all the said courts, as is or may be directed by law.

**SECTION 8.** The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn detail one or more of their judges to hold the courts of oyer and terminer and the courts of quarter sessions of the peace of said counties, in such manner as may be directed by law.

**SECTION 9.** Judges of the courts of common pleas learned in the law shall be judges of the courts of oyer and terminer, quarter sessions of the peace and general jail delivery, and of the orphans' court, and within their respective districts shall be justices of the peace as to criminal matters.

**SECTION 10.** The judges of the courts of common pleas, within their respective counties, shall have power to issue writs of *certiorari* to justices of the peace and other inferior courts not of record, and to cause their proceedings to be brought before them, and right and justice to be done.

**SECTION 11.** Except as otherwise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs and townships at the time of the election of constables by the qualified electors thereof, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of five years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.

SECTION 12. In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be five years, and they shall be elected on general ticket by the qualified voters at large; and in the election of the said magistrates no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished.

Magistrates in Philadelphia.

SECTION 13. All fees, fines and penalties in said courts shall be paid into the county treasury.

SECTION 14. In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate, or court not of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court or judge thereof upon cause shown.

Appeals from summary conviction.

SECTION 15. All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

Election and term of judges.

Removal.

SECTION 16. Whenever two judges of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

Election of judges of Supreme Court by limited vote.

SECTION 17. Should any two or more judges of the Supreme Court, or any two or more judges of the court of common pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

Priority of commissions of judges.

SECTION 18. The judges of the Supreme Court and the judges of the several courts of common pleas, and all other judges required to be learned in the law, shall at stated times receive for their services an adequate compensation, which shall be fixed by law, and paid by the State. They shall receive no other compensation, fees or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this State or any other State.

Compensation of judges.

Disqualification.

SECTION 19. The judges of the Supreme Court, during their continuance in office, shall reside within this Commonwealth; and the other judges, during their continuance in office, shall reside within the districts for which they shall be respectively elected.

Residence of judges.

SECTION 20. The several courts of common pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of common pleas of this Commonwealth, or as may hereafter be conferred upon them by law.

Chancery powers of courts of common pleas.

SECTION 21. No duties shall be imposed by law upon the Supreme Court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided. The court of *nisi prius* is hereby abolished, and no court of original jurisdiction to be provided over by any one or more of the judges of the Supreme Court shall be established.

No extra judicial duties for judges.

SECTION 22. In every county wherein the population shall exceed one hundred and fifty thousand, the General Assembly shall, and in

Separate orphans' court.

Register of wills to be clerk thereof.	<p>any other county may, establish a separate orphans' court, to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the orphans' courts, and thereupon the jurisdiction of the judges of the court of common pleas within such county, in orphans' court proceedings, shall cease and determine. In any county in which a separate orphans' court shall be established, the register of wills shall be clerk of such court and subject to its directions, in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said separate orphans' court shall be audited by the court without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. In every county orphans' courts shall possess all the powers and jurisdiction of a registers' court, and separate registers' courts are hereby abolished.</p>
Accounts therein to be audited by courts.	<p>SECTION 23. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the Commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."</p>
Review in Supreme Court in criminal cases.	<p>SECTION 24. In all cases of felonious homicide, and in such other criminal cases as may be provided for by law, the accused after conviction and sentence, may remove the indictment, record and all proceedings to the Supreme Court for review.</p>
Vacancies in courts—how filled.	<p>SECTION 25. Any vacancy happening by death, resignation or otherwise, in any court of record, shall be filled by appointment by the Governor, to continue till the first Monday of January next succeeding the first general election, which shall occur three or more months after the happening of such vacancy.</p>
Uniform laws for courts, &c.	<p>SECTION 26. All laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts, shall be uniform; and the General Assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of common pleas and orphans' courts.</p>
Special courts prohibited.	<p>SECTION 27. The parties, by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error as in other cases.</p>
Parties may submit issues of fact to the court.	
Appeals.	

## ARTICLE VI.

### *Impeachment and Removal from Office.*

Impeachment.	<p>SECTION 1. The House of Representatives shall have the sole power of impeachment.</p>
How tried.	<p>SECTION 2. All impeachments shall be tried by the Senate; when sitting for that purpose the Senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members present.</p>
What officers impeachable. Judgment.	<p>SECTION 3. The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.</p>
Condition of official tenure.	<p>SECTION 4. All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed officers, other than judges of the courts of record and the Superintendent of Public Instruction, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant Gov-</p>
Removal.	



error, members of the General Assembly, and judges of the courts of record learned in the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

## ARTICLE VII.

### *Oath of Office.*

SECTION 1. Senators and Representatives and all judicial, State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election, (or appointment,) except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the Supreme Court, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth. The oath to the members of the Senate and House of Representatives shall be administered by one of the judges of the Supreme Court or of a court of common pleas learned in the law, in the hall of the House to which the members shall be elected.

## ARTICLE VIII.

### *Suffrage and Elections.*

SECTION 1. Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections:

*First.*—He shall have been a citizen of the United States at least one month.

*Second.*—He shall have resided in the State one year, (or if, having previously been a qualified elector or native born citizen of the State, he shall have removed therefrom and returned, then six months,) immediately preceding the election.

*Third.*—He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

*Fourth.*—If twenty-two years of age or upwards, he shall have paid within two years a State or county tax, which shall have been assessed at least two months and paid at least one month before the election.

SECTION 2. The general election shall be held annually on the Tuesday next following the first Monday of November, but the General Assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto.

SECTION 3. All elections for city, ward, borough and township officers, for regular terms of service, shall be held on the third Tuesday of February.

SECTION 4. All elections by the citizens shall be by ballot. Every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the elector who presents the ballot.

Endorsements  
thereon authorized

Any elector may write his name upon his ticket or cause the same to be written thereon and attested by a citizen of the district. The election officers shall be sworn or affirmed not to disclose how any elector shall have voted unless required to do so as witnesses in a judicial proceeding.

Electors privileged  
from arrest.

SECTION 5. Electors shall in all cases except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance on elections and in going to and returning therefrom.

Soldier voting.

SECTION 6. Whenever any of the qualified electors of this Commonwealth shall be in actual military service, under a requisition from the President of the United States or by the authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of election.

Election laws to be  
uniform, but un-  
registered electors  
may vote.

SECTION 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State, but no elector shall be deprived of the privilege of voting by reason of his name not being registered.

Corruption to dis-  
qualify voters.

SECTION 8. Any person who shall give, or promise or offer to give, to an elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

Challenge.

Candidates guilty  
of bribery, &c.,  
disqualified for  
holding office.

Wilful violation  
of election laws to  
disqualify for  
voting.

SECTION 9. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or wilful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Commonwealth; and any person convicted of wilful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

Witnesses not to  
withhold testi-  
mony in election  
cases.

SECTION 10. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony.

Election districts.

SECTION 11. Townships, and wards of cities or boroughs, shall form or be divided into election districts of compact and contiguous territory, in such manner as the court of quarter sessions of the city or county in which the same are located may direct; but districts in cities of over one hundred thousand inhabitants shall be divided by the courts of quarter sessions, having jurisdiction therein, whenever at the next preceding election more than two hundred and fifty votes shall have been polled therein; and other election districts whenever the court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby.

Representatives to  
vote *viva voce*.

SECTION 12. All elections by persons in a representative capacity shall be *viva voce*.

Residence of voters  
not gained or lost  
in certain cases.

SECTION 13. For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institution of learning, nor while kept in any poor house or other asylum at public expense, nor while confined in public prison.

**SECTION 14.** District election boards shall consist of a judge and two inspectors, who shall be chosen annually by the citizens. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled, as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of a court of record or judge thereof, for an election fraud, for felony, or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

Election boards.

Clerks.

Vacancies.

Privileges of election officers.

**SECTION 15.** No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held any office, appointment or employment in or under the government of the United States or of this State, or of any city, or county, or of any municipal board, commission or trust in any city, save only justices of the peace and aldermen, notaries public and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county offices, as shall be designated by general law.

Government officers and employees disqualified to serve as election officers.

Ineligibility of election officers.

**SECTION 16.** The courts of common pleas of the several counties of the Commonwealth shall have power, within their respective jurisdictions, to appoint overseers of election to supervise the proceedings of election officers and to make report to the court as may be required; such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election district, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties; whenever the members of an election board shall differ in opinion the overseers, if they shall be agreed thereon, shall decide the question of difference; in appointing overseers of election all the law judges of the proper court, able to act at the time, shall concur in the appointments made.

Courts of common pleas may appoint overseers of elections.

Overseers may decide questions of difference.

**SECTION 17.** The trial and determination of contested elections of electors of President and Vice-President, members of the General Assembly, and of all public officers, whether State, judicial, municipal or local, shall be by the courts of law, or by one or more of the law judges thereof; the General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

Trial of contested elections.

## ARTICLE IX.

### *Taxation and Finance.*

**SECTION 1.** All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity.

Taxes to be uniform.

Exemptions.

**SECTION 2.** All laws exempting property from taxation, other than the property above enumerated, shall be void.

Limitation of power to exempt.

**SECTION 3.** The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

Power to tax corporations not to be surrendered.

**SECTION 4.** No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasions,

Power to make debts.

suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed, in the aggregate at any one time, one million of dollars.

Moneys borrowed to be used for purpose specified.

SECTION 5. All laws, authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

State credit not to be loaned, &c.

SECTION 6. The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation or association, nor shall the Commonwealth become a joint owner or stockholder in any company, association or corporation.

Municipalities not to become stockholders, &c.

SECTION 7. The General Assembly shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

Municipal debts limited.

SECTION 8. The debt of any county, city, borough, township, school district or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any new debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the assent of the electors thereof at a public election in such manner as shall be provided by law; but any city, the debt of which now exceeds seven per centum of such assessed valuation, may be authorized by law to increase the same three per centum, in the aggregate at any one time, upon such valuation.

No assumption of municipal debts by the State.

SECTION 9. The Commonwealth shall not assume the debt, or any part thereof, of any city, county, borough or township, unless such debt shall have been contracted to enable the State to repel invasion, suppress domestic insurrection, defend itself in time of war, or to assist the State in the discharge of any portion of its present indebtedness.

Re-payment of municipal debt to be provided for.

SECTION 10. Any county, township, school district or other municipality incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years.

Sinking fund.

SECTION 11. To provide for the payment of the present State debt, and any additional debt contracted as aforesaid, the General Assembly shall continue and maintain the sinking fund, sufficient to pay the accruing interest on such debt, and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works or any part thereof, and of the income or proceeds of the sale of any stocks owned by the Commonwealth, together with other funds and resources that may be designated by law, and shall be increased from time to time by assigning to it any part of the taxes or other revenues of the State not required for the ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

Reserve in the treasury.

SECTION 12. The moneys of the State, over and above the necessary reserve, shall be used in the payment of the debt of the State, either directly or through the sinking fund, and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States or of this State.

SECTION 13. The moneys held as necessary reserves shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published showing the amount of such moneys, where the same are deposited, and how secured.

Reserve not to be converted to private use.

SECTION 14. The making of profit out of the public moneys or using the same for any purpose not authorized by law by any officer

of the State, or member or officer of the General Assembly, shall be a misdemeanor and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than five years

## ARTICLE X.

### *Education.*

SECTION 1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth above the age of six years may be educated, and shall appropriate at least one million dollars each year for that purpose.

Public schools to be maintained.

Amount appropriated.

SECTION 2. No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.

No appropriation to sectarian schools

SECTION 3. Women twenty-one years of age and upwards, shall be eligible to any office of control or management under the school laws of this State.

Women eligible to school officers.

## ARTICLE XI.

### *Militia.*

SECTION 1. The freemen of this Commonwealth shall be armed, organized and disciplined for its defence when and in such manner as may be directed by law. The General Assembly shall provide for maintaining the militia by appropriations from the Treasury of the Commonwealth, and may exempt from military service persons having conscientious scruples against bearing arms.

Organization of militia.

Exemption authorized.

## ARTICLE XII.

### *Public Officers.*

SECTION 1. All officers, whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law.

Selection of public officers.

SECTION 2. No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fees or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

Federal officers disqualified for State office.

SECTION 3. Any person who shall fight a duel or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.

Duelling disqualification for office.

## ARTICLE XIII.

### *New Counties.*

SECTION 1. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants; nor shall any county be formed of less area, or containing a less population; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

Limitation of power to create counties.

## ARTICLE XIV.

### *County Officers.*

SECTION 1. County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the

County officers.

## CONSTITUTION OF THE

	be established by law; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.
Election and tenure.	SECTION 2. County officers shall be elected at the general elections and shall hold their offices for the term of three years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for shall be filled in such manner as may be provided by law.
Vacancies.	
Residence of county officers.	SECTION 3. No person shall be appointed to any office within any county who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.
Offices to be kept in county town.	SECTION 4. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers.
Compensation.	SECTION 5. The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive, into the treasury of the county or State, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.
Accountability of municipal officers.	SECTION 6. The General Assembly shall provide by law for the strict accountability of all county, township and borough officers, as well for the fees which may be collected by them, as for all public or municipal moneys which may be paid to them.
County commissioners and auditors to be chosen by limited vote.	SECTION 7. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand eight hundred and seventy-five and every third year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled by the court of common pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.
Vacancies—how filled.	

## ARTICLE XV.

*Cities and City Charters.*

General laws to establish cities.	SECTION 1. Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general election in favor of the same.
Municipal commissions not to incur debts except on appropriations.	SECTION 2. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.
Sinking funds in cities.	SECTION 3. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

## ARTICLE XVI.

*Private Corporations.*

Unused charters to be void.	SECTION 1. All existing charters, or grants of special or exclusive privileges, under which a <i>bona fide</i> organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.
No charter to be validated or amended except on condition.	SECTION 2. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of

shall thereafter hold its charter subject to the provisions of this Constitution.

SECTION 3. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

Right of eminent domain not to be abridged or police power to be limited

SECTION 4. In all elections for directors or managers of a corporation each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

Cumulative voting in stockholder elections.

SECTION 5. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

Foreign corporations to have places of business in State

SECTION 6. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

Corporations not to engage in business unauthorized by their charters.

SECTION 7. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, first obtained at a meeting to be held after sixty days notice given in pursuance of law.

The fictitious increase of stocks or bonds forbidden.

SECTION 8. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall on the demand of either party be determined by a jury according to the course of the common law.

The taking and injury of private property to be compensated.

Appeals from assessment of damages.

SECTION 9. Every banking law shall provide for the registry and countersigning, by an officer of the State, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the Auditor General for the redemption of such notes or bills.

Bank notes or bills to be secured.

SECTION 10. The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

Repeal of charter authorized.

No law to create, &c., more than one charter.

SECTION 11. No corporate body to possess banking and discounting privileges shall be created or organized in pursuance of any law without three months' previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years.

Notice of bills to create banks.

Bank charters limited to twenty years.

SECTION 12. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give



full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of, any other telegraph company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

The word "corporation" defined.

SECTION 13. The term "corporations," as used in this article, shall be construed to include all joint stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

## ARTICLE XVII.

### *Railroads and Canals.*

Railroads and canals, public highways. May be constructed.

SECTION 1. All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the other's passengers, tonnage and cars loaded or empty, without delay or discrimination.

Shall have connections and use of connecting roads.

Railroad and canal companies to keep offices in the State.

SECTION 2. Every railroad and canal corporation organized in this State shall maintain an office therein where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

Discriminations in charges for freight and passengers prohibited.

SECTION 3. All individuals, associations and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers within the State or coming from or going to any other State. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

Consolidation with competing companies prohibited.

Officers of companies not to be officers of competing companies.

SECTION 4. No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad or canal corporation, shall consolidate the stock, property or franchises of such corporation with, or lease, or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

Common carrier corporations not to engage in mining, manufacturing, &c.

SECTION 5. No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company, directly or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufacturing on its railroad or canal not exceeding fifty miles in length.

Exception.

Officers, &c., of companies not to engage in transportation business.

SECTION 6. No president, director, officer, agent or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

SECTION 7. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise, and no railroad or canal company, or any lessee, manager or employee thereof, shall make any preferences in furnishing cars or motive power.

No discrimination in charges to transporters.

SECTION 8. No railroad, railway or other transportation company shall grant free passes, or passes at a discount, to any person except officers or employees of the company.

Free passes on railroads prohibited.

SECTION 9. No street passenger railway shall be constructed within the limits of any city, borough or township, without the consent of its local authorities.

Passenger railroads not to be constructed without consent of municipal authorities.

SECTION 10. No railroad, canal or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

Acceptance of this article by companies.

SECTION 11. The existing powers and duties of the Auditor General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and, in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof.

Duties of Auditor General as to companies transferred to Secretary of Internal Affairs.

SECTION 12. The General Assembly shall enforce by appropriate legislation the provisions of this article.

## ARTICLE XVIII.

### *Future Amendments.*

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and, if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner, and at such time at least three months after being so agreed to by the two Houses, as the General Assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.

Amendments may be proposed by Legislature.

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Amendments may be proposed by Legislature.

Amendments not to be submitted oftener than once in five years.

## SCHEDULE.

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That no inconvenience may arise from the changes in the Constitution of the Commonwealth, and in order to carry the same into complete operation, it is hereby declared, that :

**SECTION 1:** This Constitution shall take effect on the first day of January, in the year one thousand eight hundred and seventy-four, for all purposes not otherwise provided for therein.

**SECTION 2.** All laws in force in this Commonwealth at the time of the adoption of this Constitution not inconsistent therewith, and all rights, actions, prosecutions and contracts shall continue as if this Constitution had not been adopted.

**SECTION 3.** At the general election in the years one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, Senators shall be elected in all districts where there shall be vacancies. Those elected in the year one thousand eight hundred and seventy-four shall serve for two years, and those elected in the year one thousand eight hundred and seventy-five shall serve for one year. Senators now elected and those whose terms are unexpired shall represent the districts in which they reside until the end of the terms for which they were elected.

**SECTION 4.** At the general election in the year one thousand eight hundred and seventy-six, Senators shall be elected from even numbered districts to serve for two years, and from odd numbered districts to serve for four years.

**SECTION 5.** The first election of Governor under this Constitution shall be at the general election in the year one thousand eight hundred and seventy-five, when a Governor shall be elected for three years; and the term of the Governor elected in the year one thousand eight hundred and seventy-eight and of those thereafter elected shall be for four years, according to the provisions of this Constitution.

**SECTION 6.** At the general election in the year one thousand eight hundred and seventy-four, a Lieutenant Governor shall be elected according to the provisions of this Constitution.

**SECTION 7.** The Secretary of Internal Affairs shall be elected at the first general election after the adoption of this Constitution; and, when the said officer shall be duly elected and qualified, the office of Surveyor General shall be abolished. The Surveyor General in office at the time of the adoption of this Constitution shall continue in office until the expiration of the term for which he was elected.

**SECTION 8.** When the Superintendent of Public Instruction shall be duly qualified the office of Superintendent of Common Schools shall cease.

**SECTION 9.** Nothing contained in this Constitution shall be construed to render any person now holding any State office for a first official term ineligible for re-election at the end of such term.

**SECTION 10.** The judges of the Supreme Court in office when this Constitution shall take effect shall continue until their commissions severally expire. Two judges in addition to the number now composing the said court shall be elected at the first general election after the adoption of this Constitution.

**SECTION 11.** All courts of record and all existing courts which are not specified in this Constitution shall continue in existence until the first day of December, in the year one thousand eight hundred and seventy-five, without abridgment of their present jurisdiction, but no longer. The court of first criminal jurisdiction for the counties of Schuylkill, Lebanon and Dauphin is hereby abolished, and all causes and proceedings pending therein in the county of Schuylkill shall be tried and disposed of in the courts of oyer and terminer and quarter sessions of the peace of said county.

**SECTION 12.** The register's courts now in existence shall be abolished on the first day of January next succeeding the adoption of this Constitution.

**SECTION 13.** The General Assembly shall, at the next session after the adoption of this Constitution, designate the several judicial districts as required by this Constitution. The judges in commission when such designation shall be made shall continue during their unexpired terms judges of the new districts in which they reside; but, when there shall be two judges residing in the same district, the president judge shall elect to which district he shall be assigned, and the additional law judge shall be assigned to the other district.

**SECTION 14.** The General Assembly shall, at the next succeeding session after each decennial census and not oftener, designate the several judicial districts as required by this Constitution.

**SECTION 15.** Judges learned in the law of any court of record holding commissions in force at the adoption of this Constitution shall hold their respective offices until the expiration of the terms for which they were commissioned, and until their successors shall be duly qualified. The Governor shall commission the president judge of the court of first criminal jurisdiction for the counties of Schuylkill, Lebanon and Dauphin as a judge of the court of common pleas of Schuylkill county, for the unexpired term of his office.

**SECTION 16.** After the expiration of the term of any president judge of any court of common pleas, in commission at the adoption of this Constitution, the judge of such court learned in the law and oldest in commission shall be the president judge thereof; and when two or more judges are elected at the same time in any judicial district they shall decide by lot which shall be president judge; but when the president judge of a court shall be re-elected he shall continue to be president judge of that court. Associate judges not learned in the law, elected after the adoption of this Constitution, shall be commissioned to hold their offices for the term of five years from the first day of January next after their election.

**SECTION 17.** The General Assembly, at the first session after the adoption of this Constitution, shall fix and determine the compensation of the judges of the Supreme Court and of the judges of the several judicial districts of the Commonwealth; and the provisions of the fifteenth section of the article on Legislation shall not be deemed inconsistent herewith. Nothing contained in this Constitution shall be held to reduce the compensation now paid to any law judge of this Commonwealth now in commission.

**SECTION 18.** The courts of common pleas in the counties of Philadelphia and Allegheny shall be composed of the present judges of the district court and court of common pleas of said counties until their offices shall severally end, and of such other judges as may from time to time be selected. For the purpose of first organization in Philadelphia the judges of the court number one shall be Judges Allison, Pierce and Paxson; of the court number two, Judges Hare, Mitchell and one other judge to be elected; of the court number three, Judges Ludlow, Finletter and Lynd; and of the court number four, Judges Thayer, Briggs and one other judge to be elected. The judge first named shall be the president judge of said courts respectively, and thereafter the president judge shall be the judge oldest in commission; but any president judge, re-elected in the same court or district, shall continue to be president judge thereof. The additional judges for courts numbers two and four shall be voted for and elected at the first general election after the adoption of this Constitution, in the same manner as the two additional judges of the Supreme Court, and they shall decide by lot to which court they shall belong. Their term of office shall commence on the first Monday of January, in the year one thousand eight hundred and seventy-five.

**SECTION 19.** In the county of Allegheny, for the purpose of first organization under this Constitution, the judges of the court of common pleas, at the time of the adoption of this Constitution, shall be the judges of the court number one, and the judges of the district court, at the same date, shall be the judges of the common pleas number two. The president judges of the common pleas and district court shall be president judge of said courts number one and two, respectively, until their offices shall end; and thereafter the judge oldest in commission shall be president judge; but any president judge re-elected in the same court, or district, shall continue to be president judge thereof.

**SECTION 20.** The organization of the courts of common pleas under this Constitution for the counties of Philadelphia and Allegheny shall take effect on the first Monday of January, one thousand eight hundred and seventy-five, and existing courts in said counties shall continue with their present powers and jurisdiction

until that date, but no new suits shall be instituted in the courts of *nisi prius* after the adoption of this Constitution.

SECTION 21. The causes and proceedings pending in the court of *nisi prius*, court of common pleas, and district court in Philadelphia shall be tried and disposed of in the court of common pleas. The records and dockets of said courts shall be transferred to the prothonotary's office of said county.

SECTION 22. The causes and proceedings pending in the court of common pleas in the county of Allegheny shall be tried and disposed of in the court number one; and the causes and proceedings pending in the district court shall be tried and disposed of in the court number two.

SECTION 23. The prothonotary of the court of common pleas of Philadelphia shall be first appointed by the judges of said court on the first Monday of December in the year one thousand eight hundred and seventy-five, and the present prothonotary of the district court in said county shall be the prothonotary of the said court of common pleas until said date when his commission shall expire, and the present clerk of the court of oyer and terminer and quarter sessions of the peace in Philadelphia shall be the clerk of such court until the expiration of his present commission on the first Monday of December, in the year one thousand eight hundred and seventy-five.

SECTION 24. In cities containing over fifty thousand inhabitants, except Philadelphia, all aldermen in office at the time of the adoption of this Constitution shall continue in office until the expiration of their commissions, and at the election for city and ward officers in the year one thousand eight hundred and seventy-five one alderman shall be elected in each ward as provided in this Constitution.

SECTION 25. In Philadelphia magistrates in lieu of aldermen shall be chosen, as required in this Constitution, at the election in said city for city and ward officers in the year one thousand eight hundred and seventy-five; their term of office shall commence on the first Monday of April succeeding their election. The terms of office of aldermen in said city holding or entitled to commissions at the time of the adoption of this Constitution shall not be affected thereby.

SECTION 26. All persons in office in this Commonwealth at the time of the adoption of this Constitution, and at the first election under it, shall hold their respective offices until the term for which they have been elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this Constitution.

SECTION 27. The seventh article of this Constitution prescribing an oath of office shall take effect on and after the first day of January, one thousand eight hundred and seventy-five.

SECTION 28. The terms of office of county commissioners and county auditors, chosen prior to the year one thousand eight hundred and seventy-five, which shall not have expired before the first Monday of January in the year one thousand eight hundred and seventy-six, shall expire on that day.

SECTION 29. All State, county, city, ward, borough and township officers in office at the time of the adoption of this Constitution, whose compensation is not provided for by salaries alone, shall continue to receive the compensation allowed them by law until the expiration of their respective terms of office.

SECTION 30. All State and judicial officers heretofore elected, sworn, affirmed, or in office when this Constitution shall take effect, shall severally, within one month after such adoption, take and subscribe an oath, or affirmation, to support this Constitution.

SECTION 31. The General Assembly at its first session, or as soon as may be after the adoption of this Constitution, shall pass such laws as may be necessary to carry the same into full force and effect.

SECTION 32. The ordinance passed by this Convention entitled "An ordinance for submitting the amended Constitution of Pennsylvania to a vote of the electors thereof" shall be held to be valid for all the purposes thereof.

SECTION 33. The words "county commissioners," wherever used in this Constitution and in any ordinance accompanying the same, shall be held to include the commissioners for the city of Philadelphia.

Adopted at Philadelphia, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-three.

Filed in the Office of the Secretary of the Commonwealth, November 13, 1873.

M. S. QUAY,

*Secretary of the Commonwealth.*

GEORGE A. ACHENBACH.  
JOHN E. ADDICKS,  
WM. H. AINEY,  
HAMILTON ALRICKS,  
G. W. ANDREWS,  
WM. H. ARMSTRONG,  
WM. J. BAER,  
JOSEPH BAILY, *Perry county.*  
JNO. M. BAILEY,  
WILLIAM D. BAKER,  
THOS. B. BANNAN,  
GEO. G. BARCLAY,  
JAMES P. BARR,  
LIN BARTHOLOMEW,  
M. C. BEEBE,  
WM. BIGLER,  
C. A. BLACK,  
CHAS. O. BOWMAN,  
CHARLES BROADHEAD,  
J. M. BROOMALL,  
R. BROWN,  
C. R. BUCKALEW,  
JOHN C. BULLITT,  
SAM'L CALVIN,  
JOHN H. CAMPBELL,  
HENRY C. CAREY,  
LEWIS C. CASSIDY,  
PEARSON CHURCH,  
SILAS M. CLARK,  
THOS. E. COCHRAN,  
WM. L. CORBETT,  
GEORGE N. CORSON,  
JNO. P. CRONMILLER,  
JAMES W. CURRY,  
A. G. CURTIN,  
THEO. CUYLER,  
GEO. M. DALLAS,  
WM. DARLINGTON,  
WM. DAVIS,  
R. M. DEFRANCE,  
S. C. T. DODD,  
A. B. DUNNING,  
MATTHEW EDWARDS,  
M. F. ELLIOTT,  
JAS. ELLIS,  
THOS. EWING,  
A. C. FINNEY,  
A. M. FULTON,  
JOSIAH FUNCK,  
JOHN GIBSON,  
JOHN GILPIN,  
HENRY GREEN,  
J. B. GUTHRIE,  
JNO. G. HALL,  
WILLIAM B. HANNA,  
EDWARD HARVEY,  
MALCOLM HAY,  
T. R. HAZZARD,  
JOS. HEMPHILL,  
JAMES H. HEVERIN,

GEO. F. HORTON,  
THOS. HOWARD,  
CHAS. HUNSICKER,  
D. KAINE,  
E. C. KNIGHT,  
R. A. LAMBERTON,  
AUG. S. LANDIS,  
GEO. V. LAWRENCE,  
WM. LILLY,  
W. E. LITTLETON,  
THOMAS MACCONNELL,  
JOEL B. McCAMANT,  
WM. McCLEAN,  
JNO. McCULLOCH,  
MORTON MICHAEAL,  
JOHN MCMURRAY,  
FRANK MANTOR,  
JNO. J. METZGER,  
SAMUEL MINOR,  
LEWIS Z. MITCHELL,  
JAMES W. M. NEWLIN,  
JEROME R. NILES,  
G. W. PALMER,  
HENRY W. PALMER,  
HENRY C. PARSONS,  
D. W. PATTERSON,  
T. H. BAIRD PATTERSON,  
JOSEPH G. PATTON,  
DAN. S. PORTER,  
LEWIS PUGHE,  
ANDREW A. PURMAN,  
JOHN N. PURVIANCE,  
SAM'L A. PURVIANCE,  
JOHN R. READ,  
AND. REED,  
LEVI ROOKE,  
GEO. ROSS,  
C. M. RUNK,  
SAM'L L. RUSSELL,  
J. McDOWELL SHARPE,  
J. ALEXANDER SIMPSON,  
H. G. SMITH,  
HENRY W. SMITH,  
WM. H. SMITH,  
M. HALL STANTON,  
JNO. STEWART,  
THOMAS STRUTHERS,  
BENJAMIN L. TEMPLE,  
WM. J. TORRELL,  
HENRY VAN REED,  
J. M. WETHERILL,  
JNO. PRICE WETHERILL,  
SAM'L M. WHERRY,  
DAVID N. WHITE,  
HARRY WHITE,  
GEO. W. WOODWARD,  
EDWARD R. WORRELL,  
CALEB E. WRIGHT,  
JNO. H. WALKER, *President.*

D. L. IMBRIE,  
*Chief Clerk.*



## CERTIFICATE.

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OFFICE OF THE SECRETARY OF THE COMMONWEALTH, }  
HARRISBURG; *January 24, A. D. 1874.* }

PENNSYLVANIA, ss:

I do hereby certify, that the foregoing and annexed is a full, true and correct copy of the Constitution of the Commonwealth of Pennsylvania, as the same remains on file in this office.

In testimony whereof, I have hereunto set my hand and caused the seal of the Secretary's office to be affixed, the day and year above written.

M. S. QUAY,  
*Secretary of the Commonwealth*



# L A W S

OF THE

## COMMONWEALTH OF PENNSYLVANIA.

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### No. 1.

#### A FURTHER SUPPLEMENT

To the act regulating elections in this Commonwealth.

SECTION 1. *Be it enacted, &c.,* That it shall be the duty of each of the assessors, who are required to perform any duties incident to the holding of elections, and the registration of voters, in the different counties or cities of this commonwealth, on the first Monday of June of each year, to take up the transcript of the next preceding assessment, as transmitted to them by the city or county commissioners, and proceed to the revision of the same; and for this purpose he shall visit every dwelling house in his district, and make careful inquiry if any person whose name is on his list, has died or removed from the district, and if so, to erase the same therefrom, or whether any qualified voter resides therein whose name is not on his list, and if so, to add the same thereto; and in all cases where a name is added to the list, the person shall forthwith be assessed, and the assessor shall, in all cases, ascertain by inquiry upon what ground the person so assessed claims to be a voter. Upon the completion of this work, it shall be the duty of each assessor, as aforesaid, to proceed to make out a list, in alphabetical order, of the male citizens twenty-one years of age and upwards, claiming to be qualified voters in the election district of which he is the assessor, and opposite each of said names state whether said citizen is or is not a housekeeper; and if he is, the number of his residence, in towns where the same are numbered, with the street, alley or court in which situated, and if in a town where there are no numbers, the name of the street, alley or court on which said house fronts; also, the occupation of the person, and where he is not a housekeeper, the occupation, place of boarding, and with whom; and if working for another, the name of the employer, and write opposite each of said names the word "voter." Where any person claims to vote by reason of naturalization, he shall exhibit his certificate thereof to the assessor, unless he has been for two consecutive years next preceding a voter in said district; and in all cases where the person has been naturalized the name shall be marked with the letter "N." Where the person has merely declared his intentions to become a citizen, and designs to be naturalized before the next election, he shall exhibit the certificate of his declaration of intention, and the name shall be marked "D. I." And where

Duties of assessors

Revision of lists.

To make alphabetical lists of voters.

the person shall be entitled by existing laws to be naturalized without making a declaration of his intention to be naturalized, and intends to be naturalized at least one month before the next general election, the name of such person shall be added to the list, and the name of such person shall be marked "I. N." Where the claim is to vote by reason of being of the age of twenty-one and under twenty-two, as provided by law, the word "age" shall be entered, and if the person has moved into the election district, to reside since the last general election, the letter "R." shall be placed opposite the name. It shall be the further duty of each assessor as aforesaid, upon the completion of the duties herein imposed, to make out a separate list of all new assessments made by him. On the lists being completed, and the assessments made as aforesaid, the same shall forthwith be returned to the county commissioners.

Separate lists of  
new assessments.

Return to county  
commissioners.

Duties of county  
commissioners and  
assessors after re-  
turn made.

SECTION 2. The county commissioners shall immediately add the names on the list of new assessments to the tax duplicate of the ward, borough, township or district in which they have been assessed, and cause duplicate copies of the other list, with the observations and explanations required to be noted as aforesaid, to be made out as soon as practicable, and placed in the hands of the assessor, who shall, prior to the first Monday of August, in each year, put one copy thereof on the door of or on the house where the election of the respective district is required to be held, and retain the other in his possession for the inspection, free of charge, of any person resident in the said election district who shall desire to see the same; and it shall be the duty of the said assessor to add, from time to time, on the personal application of any one claiming the right to vote, the name of such claimant, and mark opposite the name "C. V.," and immediately assess him, noting as in all other cases his occupation, residence, whether a boarder or housekeeper; if a boarder, with whom he boards, and whether naturalized or designing to be, marking in all cases opposite the name the letters "N.," "D. I.," or "I. N.," as the case may be; if the person claiming to be assessed, be naturalized, he shall exhibit to the assessor his certificate of naturalization; and if he claims that he designs to be naturalized before the next ensuing election, he shall exhibit the certificate of his declaration of intention, if such previous declaration is required by the laws of the United States. It shall be the duty of the said assessor to be present at the election house of the said election districts, during the two secular days next preceding the day fixed by the third section of this act for returning the lists to the county commissioners, from ten A. M. to three P. M., and from six P. M. to nine P. M., of each of said days, for the purpose of hearing and acting upon applications to be made under the provisions of this section, or relating to names upon said lists, or that are sought to be placed thereon, or struck therefrom; and it shall be his duty to correct said lists by adding thereto the names of persons entitled to vote not already thereon, and by striking therefrom fictitious names, or names of persons who may have

Assessors to sit at  
election house to  
hear applications  
for assessment, &c.

To correct lists.

died or removed from said district; and the said lists shall be open for inspection by any qualified elector of the county or ward in which the election district is situated, as well as by the person claiming to be registered; and the court of common pleas of the proper county, or any law judge thereof, at chambers, on the application of any qualified elector of the ward or county, under oath, setting forth a breach of any of the duties imposed on said assessor, by this act, which oath may be made at any time before the day of election, shall call the assessor and the complainant before it or him, by citation or rule to show cause, and shall hear the parties and dispose of the subject in a summary manner, as to law and justice shall belong, and shall, if need be, order the assessor to correct the registry accordingly, and the said court or judge may enforce such order by attachment as in proceedings for contempt.

Lists to be open for inspection.

Court or judge to act on applications setting forth breach of duties by assessors.

SECTION 3. After the assessments have been completed on the sixty-first day before the Tuesday next following the first Monday of November in each year, the assessor shall on the following day make a return to the county commissioners of the names of all persons assessed by him since the return required to be made by him by the first section of this act, noting opposite each name the observations and explanations required to be noted as aforesaid; and the county commissioners shall thereupon cause the same to be added to the return required by the first section of this act, and a full and correct copy thereof to be made containing the names of all persons so returned as resident taxables in said election district, and furnish the same, together with the necessary election blanks, to the officers of the election in such election district on or before seven o'clock on the morning of the election; and no man shall be permitted to vote at the election on that day whose name is not on said list, unless he shall make proof of his right to vote as hereinafter required.

Return of extra assessments.

To be added to list, and copy furnished election officers.

SECTION 4. On the petition of five or more citizens of any election district, setting forth that the appointment of overseers is a reasonable precaution to secure the purity and fairness of the election in said district, it shall be the duty of the court of common pleas of the proper county, all the law judges of the said court able to act at the time concurring, to appoint two judicious, sober and intelligent citizens of the said district belonging to different political parties, overseers of election to supervise the proceedings of election officers thereof, and to make report of the same as they may be required by such court. Said overseers shall be persons qualified to serve upon election boards, and shall have the right to be present with the officers of such election during the whole time the same is held, the votes counted, and the returns made out and signed by the election officers; to keep a list of voters, if they see proper; to challenge any person offering to vote, and interrogate him and his witnesses under oath, in regard to his right of suffrage at said election, and to examine his papers produced; and the officers of said election are required to afford to said overseers, so selected and appointed, every convenience and facility for the discharge

Overseers of election to be appointed in certain cases.

Their qualifications, powers and duties.

Punishment for refusing to permit overseers to be present, &c.

of their duties; and if said election officers shall refuse to permit said overseers to be present, and perform their duties as aforesaid, such officer or officers shall be guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding one thousand dollars, or imprisoned not exceeding one year, or both, in the discretion of the court; or if the overseers shall be driven away from the polls by violence or intimidation, all the votes polled in such election district may be rejected by the proper tribunal trying a contest under said election, or a part or portion of such votes aforesaid may be counted, as such tribunal may deem necessary to a just and proper disposition of the case.

Opening and closing of polls.

SECTION 5. At all elections hereafter held under the laws of this commonwealth, the polls shall be opened at seven o'clock A. M. and closed at seven o'clock P. M.

Court to fill vacancies in certain cases, and appoint officers for new districts.

SECTION 6. In all election districts where a vacancy exists by reason of the disqualification of the officer or otherwise in an election board heretofore appointed, or where any new district shall be formed, the judge or judges of the court of common pleas of the proper county shall, ten days before any general or special election, appoint competent persons to fill said vacancies and to conduct the election in said new districts; and in the appointment of inspectors in any election district both shall not be of the same political party; and the judge of elections shall, in all cases, be of the political party having the majority of votes in said district, as nearly as the said judge or judges can ascertain the fact; and in case of the disagreement of the judges as to the selection of inspectors, the political majority of the judges shall select one of such inspectors, and the minority judge or judges shall select the other.

How vacancies on morning of election filled.

SECTION 7. Whenever there shall be a vacancy in an election board on the morning of an election, said vacancy shall be filled in conformity with existing laws.

Judge to designate inspector to keep registry list.

SECTION 8. At the opening of the polls at all elections it shall be the duty of the judges of election for their respective districts to designate one of the inspectors, whose duty it shall be to have in custody the registry of voters, and to make the entries therein required by law; and it shall be the duty of the other of said inspectors to receive and number the ballots presented at said election.

Duty of other inspector.

Elections to be by ballot, and ballots numbered.

SECTION 9. All elections by the citizens shall be by ballot; every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the clerks on the list of voters opposite the name of the elector from whom received. And any voter voting two or more tickets, the several tickets so voted shall each be numbered with the number corresponding with the number to the name of the voter. Any elector may write his name upon his ticket, or cause the same to be written thereon, and attested by a citizen of the district. In addition to the oath now prescribed by law to be taken and subscribed by election officers, they shall severally be sworn or affirmed not to disclose how any elector shall have voted, unless required to do so as witnesses in a judicial proceeding. All judges, inspectors, clerks

Endorsements thereon authorized.

Additional oath to be taken by officers.

and overseers of any election held under this act shall, before entering upon their duties, be duly sworn or affirmed in the presence of each other. The judge shall be sworn by the minority inspector, if there shall be such minority inspector, and in case there be no minority inspector, then by a justice of the peace or alderman, and the inspectors, overseers and clerks shall be sworn by the judge. Certificates of such swearing or affirming shall be duly made out and signed by the officers so sworn, and attested by the officer who administered the oath. If any judge or minority inspector refuses or fails to swear the officers of election in the manner required by this act, or if any officer of election shall act without being first duly sworn, or if any officer of election shall sign the form of oath without being duly sworn, or if any judge or minority inspector shall certify that any officer was sworn when he was not, it shall be deemed a misdemeanor, and upon conviction, the officer or officers so offending shall be fined not exceeding one thousand dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

How judges, &c.,  
to be sworn.

Penalties for refusing to swear officers, acting without being sworn, &c.

SECTION 10. On the day of election any person whose name shall not appear on the registry of voters, and who claims the right to vote at said election, shall produce at least one qualified voter of the district as a witness to the residence of the claimant in the district in which he claims to be a voter, for the period of at least two months immediately preceding said election, which witness shall be sworn or affirmed and subscribe a written or partly written and partly printed affidavit to the facts stated by him, which affidavit shall define clearly where the residence is of the person so claiming to be a voter; and the person so claiming the right to vote shall also take and subscribe a written or partly written and partly printed affidavit, stating, to the best of his knowledge and belief, when and where he was born; that he has been a citizen of the United States for one month, and of the commonwealth of Pennsylvania; that he has resided in the commonwealth one year, or, if formerly a qualified elector or a native born citizen thereof, and has removed therefrom and returned, that he has resided therein six months next preceding said election; that he has resided in the district in which he claims to be a voter for the period of at least two months immediately preceding said election; that he has not moved into the district for the purpose of voting therein; that he has, if twenty-two years of age or upwards, paid a state or county tax within two years, which was assessed at least two months and paid at least one month before the election. The said affidavit shall also state when and where the tax claimed to be paid by the affiant was assessed, and when and where and to whom paid; and the tax receipt therefor shall be produced for examination, unless the affiant shall state in his affidavit that it has been lost or destroyed, or that he never received any; and if a naturalized citizen, shall also state when, where and by what court he was naturalized, and shall also produce his certificate of naturalization for examination. But if the person so claiming the right to vote shall take and

What proof required of persons whose names are not on lists.

subscribe an affidavit that he is a native born citizen of the United States, or, if born elsewhere, shall state the fact in his affidavit, and shall produce evidence that he has been naturalized or that he is entitled to citizenship by reason of his father's naturalization, and shall further state in his affidavit that he is, at the time of making the affidavit, of the age of twenty-one and under twenty-two years; that he has been a citizen of the United States one month, and has resided in the state one year; or, if a native born citizen of the state and removed therefrom and returned, that he has resided therein six months next preceding said election, and in the election district two months immediately preceding such election, he shall be entitled to vote, although he shall not have paid taxes. The said affidavits of all persons making such claims, and the affidavits of the witnesses to their residence shall be preserved by the election board, and at the close of the election they shall be enclosed with the list of voters, tally list and other papers required by law to be filed by the return judge with the prothonotary, and shall remain on file therewith in the prothonotary's office, subject to examination as other election papers are. If the election officers shall find that the applicant possesses all the legal qualifications of a voter he shall be permitted to vote, and his name shall be added to the list of taxables by the election officers, the word "tax," being added where the claimant claims to vote on tax, and the word "age," where he claims to vote on age; the same words being added by the clerks in each case, respectively, on the lists of persons voting at such election.

Affidavits to be filed.

Names to be added to the list.

Challenges.

Proof.

Naturalized citizens to produce certificate.

Penalty for receiving second vote on the same certificate.

SECTION 11. It shall be lawful for any qualified citizen of the district, notwithstanding the name of the proposed voter is contained on the list of resident taxables, to challenge the vote of such person, whereupon the same proof of the right of suffrage as is now required by law shall be publicly made and acted on by the election board, and the vote admitted or rejected, according to the evidence. Every person claiming to be a naturalized citizen shall be required to produce his naturalization certificate at the election before voting, except where he has been for five years consecutively a voter in the district in which he offers his vote; and on the vote of such person being received, it shall be the duty of the election officers to write or stamp on such certificate the word "voted," with the day, month and year; and if any election officer or officers shall receive a second vote on the same day, by virtue of the same certificate, excepting where sons are entitled to vote, because of the naturalization of their fathers, they and the person who shall offer such second vote shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, or both, at the discretion of the court; but the fine shall not exceed five hundred dollars in each case, nor the imprisonment one year. The like punishment shall be inflicted, on conviction, on the officers of election who shall neglect or refuse to make, or cause to be made, the endorsement required as aforesaid on said naturalization certificate.

SECTION 12. If any election officer shall refuse or neglect to require such proof of the right of suffrage as is prescribed by this law, or the laws to which this is a supplement, from any person offering to vote whose name is not on the list of assessed voters, or whose right to vote is challenged by any qualified voter present, and shall admit such person to vote without requiring such proof, every person so offending shall, upon conviction, be guilty of a misdemeanor, and shall be sentenced for every such offence to pay a fine not exceeding five hundred dollars, or to undergo an imprisonment not more than one year, or both, at the discretion of the court.

Penalty for neglecting to demand proof required by law.

SECTION 13. As soon as the polls shall close, the officers of election shall proceed to count all the votes cast for each candidate voted for, and make a full return of the same in triplicate, with a return sheet in addition, in all of which the votes received by each candidate shall be given after his or her name, first in words and again in figures, and shall be signed by all of said officers and certified by overseers, if any, or if not so certified, the overseers and any officer refusing to sign or certify, or either of them, shall write upon each of the returns his or their reasons for not signing or certifying them. The vote, as soon as counted, shall also be publicly and fully declared from the window to the citizens present, and a brief statement showing the votes received by each candidate shall be made and signed by the election officers as soon as the vote is counted, and the same shall be immediately posted up on the door of the election house for information of the public. The triplicate returns shall be enclosed in envelopes and be sealed in presence of the officers, and one envelope, with the unsealed return sheet, given to the judge, which shall contain one list of voters, tally-paper, and oaths of officers, and another of said envelopes shall be given to the minority inspector. All judges living within twelve miles of the prothonotary's office, or within twenty-four miles, if their residence be in a town, village or city upon the line of a railroad leading to the county seat, shall, before two o'clock post meridian of the day after the election, and all other judges shall, before twelve o'clock meridian of the second day after the election, deliver said return, together with return sheet, to the prothonotary of the court of common pleas of the county, which said return sheet shall be filed, and the day and hour of filing marked thereon, and shall be preserved by the prothonotary for public inspection. At twelve o'clock on the said second day following any election, the prothonotary of the court of common pleas shall present the said returns to the said court. In counties where there is no resident president judge, the associate judges shall perform the duties imposed upon the court of common pleas, which shall convene for said purpose; the returns presented by the prothonotary shall be opened by said court and computed by such of its officers and such sworn assistants as the court shall appoint, in the presence of the judge or judges of said court, and the returns certified and certificates of election issued under the seal of the court as is now required to be done by return judges; and the vote as so computed and certi-

Counting of votes.

Returns.

Vote to be declared from window, and statement posted on door.

Who to take charge of returns.

To be delivered to prothonotary.

Prothonotary to present same to court.

To be opened and computed.

Certified, and certificates issued, and made matter of record.



fied, shall be made a matter of record in said court. The sessions of the said court shall be open to the public. And in case the return of any election district shall be missing when the returns are presented, or in case of complaint of a qualified elector under oath, charging palpable fraud or mistake, and particularly specifying the alleged fraud or mistake, or where fraud or mistake is apparent on the return, the court shall examine the return, and if in the judgment of the court it shall be necessary to a just return, said court shall issue summary process against the election officers and overseers, if any, of the election district complained of, to bring them forthwith into court, with all election papers in their possession; and if palpable mistake or fraud shall be discovered, it shall, upon such hearing as may be deemed necessary to enlighten the court, be corrected by the court, and so certified; but all allegations of palpable fraud or mistake shall be decided by the said court within three days after the day the returns are brought into court for computation; and the said inquiry shall be directed only to palpable fraud or mistake, and shall not be deemed a judicial adjudication to conclude any contest now or hereafter to be provided by law; and the other of said triplicate returns shall be placed in the box and sealed up with the ballots. Nothing in this act shall require the returns of election of township or borough officers to be made to the court as directed in this section; but all returns of the election of township and borough officers shall be enclosed in a sealed cover, directed to the prothonotary of the court of common pleas of the proper county, and shall, by some one of them, be delivered into his office within three days after every such election and filed therein. In counties where there are three or more judges of said court learned in the law, at least two judges shall sit to compute and certify returns, unless unavoidably prevented. If any of the said judges shall himself be a candidate for any office at any election, he shall not sit with the court, or act in counting the returns of such election, and in such cases the other judges, if any, shall act; and if in any county there shall be no judge qualified to hold the said court, under the provisions of this act, present and able to act, then, and in every such case, the register of wills, the sheriff and the county commissioners of the proper county shall be and constitute a board who, or a majority of whom, shall have and exercise all the powers and perform all the duties vested in, or required to be performed by the court of common pleas of such county, by and under the provisions of this section; but none of the said officers shall act as a member of such board when himself a candidate for any office at the election, the returns of which the said board is required to count under the provisions of this section. The returns required by this act to be presented by the prothonotary of the courts of common pleas of the counties of Philadelphia and Allegheny, respectively, shall be presented to such three or more of the judges of the several courts of common pleas of said counties, respectively, as the judges of said courts, or a majority of them, may designate to perform the duty of receiving,

Cases where returns are missing, or fraud or mistake charged.

One return to be placed in box.

Returns for township and borough officers.

When two judges learned in the law to compute returns.

A judge not to act when a candidate.

When register of wills, sheriff and county commissioners to constitute board.

Returns, Philadelphia and Allegheny counties.

computing and certifying said returns. When two or more counties are connected for the election of any officer, the courts of such counties shall each appoint a return judge to meet at such time and place, as required by law, to compute and certify the vote of such district. All officers provided for by this act shall be compensated as like officers are paid by existing laws. Whenever a place has been or shall be provided by the authorities of any city, county, township or borough, for the safe-keeping of the ballot-boxes, the judge and minority inspector shall, after the election shall be finished, and the ballot-box or boxes containing the tickets, list of voters and other papers, have been securely bound with tape and sealed, and the signatures of the judge and inspectors affixed thereto, forthwith deliver the same, together with the remaining boxes, to the mayor and recorder of such city, or in counties, townships or boroughs, to such person or persons as the court of common pleas of the proper county may designate, at the place provided, as aforesaid, who shall then deposit the said boxes and keep the same to answer the call of any court or tribunal authorized to try the merits of such election. Whenever the election officers of any election district shall require the election boxes of such district, to hold any election which, by law, they are or shall be required to hold, they shall keep the same securely in their possession without opening, until the morning of such election, and until they shall severally be sworn or affirmed not to disclose how any elector shall have voted, and after being so sworn or affirmed, they shall open the said boxes and burn and totally destroy all the ballots and other papers which they shall find therein, before proceeding to hold such election.

Cases where two or more counties compose a district.

Compensation of officers.

Where boxes to be deposited.

Not to be opened until morning of election and officers sworn.

Ballots and other papers therein to be destroyed.

Court to appoint assessors in certain cases.

SECTION 14. That from and immediately after the passage of this act, the court of common pleas in the proper county, in election districts wherein assessors have not heretofore been elected, shall appoint one reputable person in each election district to be the assessor thereof, who shall perform all the duties relating to elections now required to be performed by assessors under the provisions of this act. Such assessors shall be appointed as nearly as can be ascertained from the party having a majority of the votes in their respective districts.

SECTION 15. That at the election to be held on the third Tuesday of February next, and at the election annually thereafter, there shall be elected in each election district in the state, as well in those wherein the registration of voters has heretofore been made by officers appointed, and not chosen by the people to perform the duty, as in all others, one person as judge and two inspectors, in conformity with the general laws of the commonwealth, to conduct the elections for one year, and also an assessor who shall perform the duties incident to elections as required by the provisions of this act.

Election of judge, inspectors and assessors.

SECTION 16. That the assessors appointed under the fourteenth section of this act shall, within five days after their appointment, proceed to make out lists of the qualified electors in their respective election districts, and deliver the

Duties of assessors appointed under fourteenth section of this act.

same to the commissioners, who shall transmit a certified copy of the same to the judge of each election district, at least forty-eight hours before the election to be held on the third Tuesday of February next. Said assessors shall also post ten copies thereof in conspicuous places in each election district at least ten days before said election. And the lists so made by the assessors during the two secular days preceding the day of the delivery thereof to the commissioners, (of which days public notice shall be given by handbill throughout said district,) shall be open for inspection and correction in the custody of the said assessor, from ten, A. M. to three, P. M., and from six, P. M. to nine, P. M. of each of said days, in the manner provided in section second of this act; and all of the remedies, privileges and powers secured and provided thereby, are hereby made applicable to the lists herein named.

Lists made by them to be open for inspection and correction.

Power to administer oaths.

SECTION 17. The respective assessors, inspectors and judges of the elections shall each have the power to administer oaths to any person claiming the right to be assessed, or the right of suffrage, or in regard to any other matter or thing required to be done or inquired into by any of said officers under this act; and any willful false swearing by any person in relation to any matter or thing, concerning which they shall be lawfully interrogated by any of said officers or overseers shall be perjury.

False swearing.

Compensation of assessors.

SECTION 18. The assessors shall each receive the same compensation for the time necessarily spent in performing the duties hereby enjoined, as is provided by law to assessors making valuations, to be paid by the county commissioners as in other cases; and it shall not be lawful for any assessor to assess a tax against any person whatever within sixty-one days next preceding the annual election in November; any violation of this provision shall be a misdemeanor, and subject the officer so offending to a fine, on conviction, not exceeding one hundred dollars, or to imprisonment not exceeding three months, or both, at the discretion of the court.

Not to assess tax within sixty-one days of election.

Penalty.

Penalty for neglect of duty by election officers, &c.

SECTION 19. Any assessor, election officer or person appointed as an overseer, who shall neglect or refuse to perform any duty enjoined by this act, without reasonable or legal cause, shall be subject to a penalty of one hundred dollars; and if any assessor shall knowingly assess any person as a voter who is not qualified, or shall wilfully refuse to assess any one who is qualified, he shall be guilty of a misdemeanor in office, and on conviction be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding two years, or both, at the discretion of the court, and also be subject to an action for damages by the party aggrieved; and if any person shall fraudulently alter, add to, deface or destroy any list of voters made out as directed by this act, or tear down or remove the same from the place where it has been fixed, with fraudulent or mischievous intent, or for any improper purpose, the person so offending shall be guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding two years, or both, at the discretion

For altering list of voters, &c.

of the court; and if any person shall, by violence or intimidation, drive, or attempt to drive from the polls any person or persons appointed by the court to act as overseers of an election, or in any way wilfully prevent said overseers from performing the duties enjoined upon them by this act, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both, at the discretion of the court. Any person who shall, on the day of any election, visit a polling place in any election district at which he is not entitled to vote, and shall use any intimidation or violence for the purpose of preventing any officer of election from performing the duties required of him by law, or for the purpose of preventing any qualified voter of such district exercising his right to vote, or from exercising his right to challenge any person offering to vote, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both, at the discretion of the court. Any clerk, overseer or election officer, who shall disclose how any elector shall have voted, unless required to do so as a witness in a judicial proceeding, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both, in the discretion of the court.

For obstructing  
overseers.

For intimidating  
officers, voters,  
&c., by persons  
not of the district.

For disclosing how  
electors have  
voted.

SECTION 20. If any prothonotary, clerk, or the deputy of either, or any other person, shall affix the seal of any court to any naturalization paper, or permit the same to be affixed, or give out, or cause or permit such naturalization paper to be given out in blank, whereby it may be fraudulently used, or furnish a naturalization certificate to any person who shall not have been duly examined and sworn in open court, in the presence of some of the judges thereof, according to the act of congress, or shall aid in, connive at, or in any way permit the issue of any fraudulent naturalization certificate, he shall be guilty of a misdemeanor; or if any one shall fraudulently use any such certificate of naturalization, knowing that it was fraudulently issued, or shall vote or attempt to vote thereon, or if any one shall vote or attempt to vote on any certificate of naturalization not issued to him, he shall be guilty of a misdemeanor; and either or any of the persons, their aiders or abettors, found guilty of either of the misdemeanors aforesaid, shall be fined in a sum not exceeding one thousand dollars, and imprisoned in the proper penitentiary for a period not exceeding three years.

Penalty for fraudulent  
issue or use  
of naturalization  
papers.

SECTION 21. Any person who, on oath or affirmation, in or before any court in this state, or officer authorized to administer oaths, shall, to procure a certificate of naturalization for himself or any other person, wilfully depose, declare or affirm any matter to be fact, knowing the same to be false, or shall in like manner deny any matter to be fact, knowing the same to be true, shall be deemed guilty of perjury; and any certificate of naturalization issued in pursuance of any such

Penalty for false  
swearing on naturalization.

Certificate so obtained void.

deposition, declaration or affirmation, shall be null and void; and it shall be the duty of the court issuing the same, upon proof being made before it that it was fraudulently obtained, to take immediate measures for re-calling the same for cancellation; and any person who shall vote or attempt to vote on any paper so obtained, or who shall vote or attempt to vote on any paper so obtained, or who shall in any way aid in, connive at, or have any agency whatever in the issue, circulation or use of any fraudulent naturalization certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall undergo an imprisonment in the penitentiary for not more than two years, and pay a fine not more than one thousand dollars, for every such offence, or either or both, at the discretion of the court.

Secretary of commonwealth to prepare blanks.

SECTION 22. It shall be the duty of the secretary of the commonwealth to prepare forms for all the blanks made necessary by this act, and furnish copies of the same to the county commissioners of the several counties of the commonwealth; and the county commissioners of each county shall, as soon as may be necessary after receipt of the same, at the proper expense of the county, procure and furnish to all the election officers of the election districts of their respective counties copies of such blanks, in such quantities as may be rendered necessary for the discharge of their duties under this act, and shall pay all necessary expenses for lights, rent, fuel and stationery, on bills certified by the election officers.

To apply to all elections.

SECTION 23. Special elections, and all elections for city, ward, borough and township officers, for regular terms of service, shall be regulated and conducted in like manner as general elections, and by the same officers, who shall perform the same duties and be subject to the same penalties as are provided for general elections, unless otherwise provided for in this act.

Duties of city commissioners, Philadelphia.

SECTION 24. All the duties imposed by this act upon county commissioners, shall be performed, in the city of Philadelphia, by the city commissioners.

How fines to be applied.

SECTION 25. All funds arising from fines imposed and collected in pursuance of the foregoing sections, shall be applied to the common schools of the county in which said fines may have been collected, and to be apportioned among the several school districts according to the population thereof.

Repeal.

SECTION 26. All acts or parts of acts inconsistent with this act be and the same are hereby repealed.

APPROVED—The 30th day of January, A. D. 1874.

J. F. HARTRANFT.

## No. 2.

## AN ACT

Relative to vacancies in the office of prothonotary or clerk of the several courts and in the office of register or recorder.

SECTION 1. *Be it enacted, &c.,* That whenever the office of prothonotary, clerk of the court of quarter sessions of the peace, orphans' court, oyer and terminer and general jail delivery, register of wills or recorder of deeds, shall become vacant by death, resignation or otherwise, it shall be lawful for the principal deputy of such officer to discharge the duties imposed by law upon his principal until the appointment and qualification of his successor: *Provided*, That the said deputy, before taking upon himself the duties of said office, shall give a bond similar to that of his principal, to be approved by one of the judges of the court of common pleas of the county in which the vacancy may occur.

Principal deputy to act in cases of vacancy.

To give security.

SECTION 2. That from and after the passage of this act, it shall be the duty of each prothonotary, and other officers mentioned in the first section of this act, to appoint one principal deputy to act in the case of the death or resignation of his principal, or when said office shall become vacant from other causes.

Each prothonotary, &c., to appoint principal deputy.

APPROVED—The 12th day of February, A. D. 1874.

J. F. HARTRANFT.

## No. 3.

## AN ACT

Regulating the publication of applications for local or special legislation.

SECTION 1. *Be it enacted, &c.,* That no local or special bill, either to repeal or enact a law, shall be passed by the legislature, unless notice of the intention to apply therefor shall be published in the locality where the matter or thing to be effected may be situated, which notice shall state specifically the title and objects of the bill, and shall be published by not less than four insertions in at least two daily or weekly newspapers, one of which may be in a language other than English, once a week for four consecutive weeks, printed in the county, or in each of the several counties, where such matter or thing to be affected may be situated; the first insertion to be at least thirty days prior to and within three months immediately preceding the introduction of such bill into the general assembly, and be signed by at least one of the parties applying therefor: *Provided*, That the publication in one newspaper shall be deemed sufficient where but one is published in the county or counties aforesaid.

How notice of application for special legislation to be published.

Evidence of publication.

SECTION 2. The evidence of the publication aforesaid shall be by attaching to a bill a copy or copies, as the case may be, of said notice, verified by the affidavit of the owner, publisher, editor or foreman of each of the several newspapers in which said notice is by this act required to be published, of due compliance with the preceding section.

How publication to be made where bill affects matters or things in cities or boroughs.

SECTION 3. That when such local or special bill shall affect any matter or things situated in any city or borough, said publication shall be in two of the newspapers published in said city or borough, if so many there be; and if there be but one a publication in that one shall be deemed sufficient; if there be no newspaper published in said city or borough, then by publication in the newspaper or newspapers of the county in which said city or borough is located, as provided in the first section of this act.

APPROVED—The 12th day of February, A. D. 1874.

J. F. HARTRANFT.

#### No 4.

#### AN ACT

Declaratory of and amending the act, entitled "A further supplement to the act regulating elections in this commonwealth," approved the thirtieth day of January, Anno Domini one thousand eight hundred and seventy-four.

What duties to be performed by assessors appointed or elected under certain section.

SECTION 1. *Be it enacted, &c.*, That the assessors directed to be appointed and elected by the fourteenth and fifteenth sections of the act, approved the thirtieth day of January, Anno Domini one thousand eight hundred and seventy-four, are hereby declared to be assessors only to perform such duties as are now required by law of assessors incident to the holding of elections and registration of voters, and that the office of assessor for purposes of valuation with all the duties incident thereto shall continue and remain as now provided for by law: *Provided*, That in townships, boroughs and wards composing but one election district, the assessors for purposes of valuation shall be assessors for the holding of elections and the registration of voters.

Where townships, boroughs and wards compose but one district.

How returns of election of township and borough officers to be directed.

SECTION 2. That so much of the thirteenth section of the act to which this is a supplement as provides "that nothing in this act shall require the returns of election of township or borough officers to be made to the court, as directed by this section, but all returns of the election of township and borough officers shall be enclosed in a sealed cover, directed to the prothonotary of the court of common pleas of the proper county, and shall by some one of them be delivered into his office within three days after every such election and filed therein." be and the same is hereby so altered and amended as to require the returns of the election of township and borough officers to be directed to the clerk of the court of quarter sessions of the proper county, instead of the

prothonotary of the court of common pleas as provided in said act.

SECTION 3. In all elections hereafter the certificate of naturalization, if genuine, shall be conclusive evidence of the facts mentioned therein, and where the person offering to vote claims the right on the payment of tax, the receipt for such tax, if signed by the proper officer, shall be the evidence thereof; if such person does not produce such receipt, then the payment of the tax may be proved by the oath of such person, or other evidence, stating when, where and to whom such tax was paid.

Certificate of naturalization and tax receipt evidence.

How payment of tax proven where receipt is not produced.

APPROVED—The 18th day of February, A. D. 1874.

J. F. HARTRANFT.

### No. 5.

### AN ACT

To carry out the provisions of section twelve, article three, of the constitution relative to contracts for supplies for the legislature and the various departments of the state government.

SECTION 1. *Be it enacted, &c.,* That the secretary of the commonwealth shall on the first Monday in June next, and annually thereafter, by advertisements in two newspapers in Harrisburg, Philadelphia, Pittsburg, and any other place deemed proper by the officers authorized to advertise, at least ten days before the letting herein provided for, invite sealed proposals for contracts to furnish stationery, paper and fuel, to the several departments of the state government, and for the annual distribution of the laws.

Secretary of commonwealth to advertise for proposals for furnishing stationery, fuel, &c.

SECTION 2. The chief clerk of the senate shall at the same time and in like manner advertise for sealed proposals for contracts to furnish stationery, paper and fuel for the use of the senate, for the distribution of the journals, department reports and other printed matter furnished to the senate for the use of its members and officers, and for repairing and furnishing the senate chamber and committee rooms of the senate.

Chief clerk of senate to advertise for proposals.

SECTION 3. The chief clerk of the house of representatives shall at the same time and in like manner advertise for sealed proposals for contracts to furnish stationery, paper and fuel for the use of said house, for distributing the journals, department reports and other printed matter furnished for the use of its members and officers, and for repairing and furnishing the hall of the house of representatives and its committee rooms.

Chief clerk of house of representatives to also advertise.

SECTION 4. That separate proposals shall be invited and separate contracts awarded by each of these officers, for fuel, for distributing the laws and other documents, for repairs and for furnishing the halls of the legislature and the committee rooms; but stationery and paper may, in the case of each of said officers, be included in one proposal and contract,

Separate proposals to be invited, and separate contracts awarded.



To whom proposals to be addressed, and when and how opened.

Contract to be awarded lowest bidder.

To be approved.

Contractor to give security.

Contracts and bonds to be filed.

Not to interfere with contract for state printing.

Maximum prices declared.

Special contracts to be advertised for in certain cases.

The proposals shall be addressed to the officer advertising for the same, and shall be opened by him on the day named in his advertisement, in the presence of the governor, or in his absence, in the presence of the auditor general, or in the absence of both, in the presence of the state treasurer, and the contract shall be awarded by him to the lowest responsible bidder; and all such contracts so awarded shall severally be void unless first approved by the governor, auditor general and state treasurer.

SECTION 5. That in all cases where contracts are awarded and approved, under the provisions of this act, the party or parties to whom a contract may be awarded, shall, before entering on the performance of the contract, give a bond with sufficient security, on such terms as may be prescribed by the attorney general, conditioned for the faithful performance of the obligations of such contract, and in case of the failure to do so, the contract shall be awarded to the next lowest responsible bidder.

SECTION 6. That all contracts awarded and approved under this act, and all bonds given for their faithful performance, shall be filed with the secretary of the commonwealth, who shall keep a record of the same: *Provided*, That nothing in this act shall be construed to interfere with the contract for state printing: *And provided further*, That the maximum prices for stationery, fuel, repairing, furnishing and for distributing journals and other documents, shall be and are hereby declared to be such prices as the officers advertising shall specify in their advertisements for contracts as aforesaid: *And provided further*, That if any necessity shall hereafter arise for any item of furnishing or supplies not embraced in the contracts authorized by this act, the secretary of the commonwealth or the clerk of either house, as the case may be, shall advertise in the manner hereinbefore directed for a special contract for the same to run until the first Monday in June next succeeding.

APPROVED—The 16th day of March, A. D. 1874.

J. F. HARTRANFT.

## No. 6.

### A SUPPLEMENT

To an act for the better and more impartial selection of persons to serve as jurors in each of the counties of this commonwealth, approved the tenth day of April, Anno Domini eighteen hundred and sixty-seven.

Court to order new selection of jurors in certain cases.

SECTION 1. *Be it enacted, &c.*, That whenever it shall be made to appear to the court of common pleas of any county, that the provisions of the laws for the selection of persons to serve as jurors in the courts of such county, or the depositing of their names in the wheel, have not been complied with, or

that the wheel containing the names of such persons has been broken open or destroyed, so that no jury can be drawn from it, or if by accident, mistake or neglect of the sheriff or jury commissioners of any county, or either of them, the wheel aforesaid has been opened, unlocked or unsealed, except in the presence of such sheriff and jury commissioners, and a challenge to the array has been sustained for any of the last mentioned cause, or that the array of jurors returned at any court in such county has been quashed by reason of any fault or irregularity in the selection of persons, or on the depositing of their names in the wheel, the said court shall order a new selection of persons to be made of such number as said court shall designate, and their names deposited in such wheel or a new wheel to be prepared for that purpose for the remainder of the current year.

SECTION 2. That thereupon it shall be the duty of the jury commissioners, president judge or additional law judge of the respective district, or a majority of them, to meet at the seat of justice of the respective county, at least thirty days before the court at which such jurors shall be summoned to serve, and take out of the wheel all the names therein deposited, or if a new wheel, clean out the same and make a new selection of persons, and deposit the names so selected in such wheel or in the new wheel for the remainder of the current year, in the same manner as is now directed by law for the selection of such persons and the depositing of their names in the wheel at the beginning of the year.

Duties of jury commissioners and judges.

SECTION 3. That hereafter a list containing the name, occupation and residence of every person placed in the jury wheel, shall be kept, certified by the judge and jury commissioners, or such of them as shall be present at the selection of such persons, and filed of record in the office of the prothonotary of the court of common pleas of the respective county.

Certified list of jurors to be filed with prothonotary.

SECTION 4. That whenever, by existing laws, it shall be the duty of any person connected with the selection or drawing of jurors to be sworn, the oath required to be taken shall be reduced to writing, subscribed by the person qualified, and filed in the office of the prothonotary of the court of common pleas, as a part of the records thereof.

Oaths of persons connected with the selection or drawing to be in writing.

And filed.

SECTION 5. That whenever the array of jurors returned to any court of oyer and terminer and quarter sessions of the peace shall be quashed, it shall be the duty of the clerk of said courts to forthwith certify the record thereof to the court of common pleas where it shall be entered upon and made a part of the record of said court of common pleas.

Duty of clerk when array returned to oyer and terminer and quarter sessions, is quashed.

SECTION 6. That all laws or parts of laws inconsistent herewith are hereby repealed.

Repeal.

APPROVED—The 18th day of March, A. D. 1874.

J. F. HARTRANFT.

## No. 7.

## AN ACT

Providing for the election of lieutenant governor and fixing his salary.

When and how to be elected.

SECTION 1. *Be it enacted, &c.,* That the qualified voters of the commonwealth shall choose by ballot, on the Tuesday next following the first Monday of November, in the year one thousand eight hundred and seventy-four, and on the day of the general election every four years thereafter, one person, duly qualified, to fill the office of lieutenant governor for the ensuing four years.

Elections regulated.

SECTION 2. The election laws in force for the choice of governor shall regulate the choice of lieutenant governor; and upon the third Tuesday of January following his election he shall be sworn into office by the president judge of the court of common pleas of Dauphin county, or in the event of his absence or inability to attend, then by a president judge of a court of common pleas, to be designated by the secretary of the commonwealth.

By whom to be sworn into office.

SECTION 3. The term of lieutenant governor shall commence on the third Tuesday of January following his election, and he shall hold his office for four years and until his successor is elected and qualified, and shall receive an annual salary of three thousand dollars.

Term.

Salary.

APPROVED—The 24th day of March, A. D. 1874.

J. F. HARTRANFT.

## No. 8.

## AN ACT

To provide for the payment of the expenses of advertising the new constitution.

SECTION 1. *Be it enacted, &c.,* That it shall be the duty of the secretary of the commonwealth to prescribe a form for all lawful accounts against the state for the advertising of the new constitution, and for the verification of the same, and before the presentation thereof to examine and adjust the same at an equitable rate of compensation, having due regard to circulation, and to certify the accounts and the amount allowed thereof to the auditor general who shall thereupon draw his warrant upon the state treasurer for the amount so certified, which shall be payable out of any funds in the treasury not otherwise appropriated: *Provided,* That the maximum sum allowed shall not exceed eighteen hundred dollars upon any account, and that no claimant shall be allowed more than the amount of his bill, as certified by the secretary of the commonwealth to the house of representa-

tives: *And provided further*, That said publication shall be paid for as an advertisement at lowest advertising rates, and not as reading matter.

APPROVED—The 27th day of March, A. D. 1874.

J. F. HARTRANFT.

No. 9.

AN ACT

To authorize married women owning loans of this commonwealth, or of the city of Philadelphia, or capital stock of any corporation of this commonwealth, to sell and transfer the same.

SECTION 1. *Be it enacted, &c.*, That it shall and may be lawful for any married woman owning any of the loans of this commonwealth, or of the city of Philadelphia, or any share or shares of the capital stock of any corporation created by or under the laws of this commonwealth, to sell and transfer the same with like effect as if she were unmarried.

APPROVED—The 1st day of April, A. D. 1874.

J. F. HARTRANFT.

No. 10.

AN ACT

Making an appropriation for the salaries of the officers and for repairs to the buildings of the Eastern penitentiary.

SECTION 1. *Be it enacted, &c.*, That the following sums be and the same are hereby specifically appropriated to the Eastern penitentiary: For salaries of officers, twenty-seven thousand dollars; for repairs, one thousand dollars; for books and stationery for library, five hundred dollars; for each discharged convict from the city of Philadelphia, or whose residence is within fifty miles thereof, the sum of five dollars, and ten dollars to each convict whose residence or settlement is fifty miles or over from the penitentiary; the above appropriations to be paid out of any moneys in the treasury not otherwise appropriated, quarterly, on the fifteenth days of July and October, Anno Domini one thousand eight hundred and seventy-four, and the fifteenth days of January and April, Anno Domini one thousand eight hundred and seventy-five.

APPROVED—The 1st day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 11.

## A SUPPLEMENT

To an act to establish the judicial courts of this commonwealth in conformity to the alterations and amendments in the constitution, passed thirteenth April, one thousand seven hundred and ninety-one, limiting the time for taking writs of error, appeal and *certiorari* to the supreme court.

Limitation of appeals and writs of error.

Exception in favor of persons under disability.

SECTION 1. *Be it enacted, &c.*, That from and after the date of the passage of this act, no fine or common recovery, nor any judgment in any real, personal or mixed action, nor any appeal from the register's court, shall be avoided or reversed for any defect or error therein, unless the writ of error be commenced, or the appeal be brought and prosecuted with effect, or the *certiorari* taken, as the case may be, within two years after such fines levied, common recovery suffered, judgment signed or entered of record, or decree be pronounced: *Provided nevertheless*, That if any person who is or shall be entitled to any such writ of error or appeal, or other writ aforesaid, shall at the time such title accrued be within the age of twenty-one years, *covert, non compos mentis*, in prison, or out of the limits of the United States of America, that then such person, his or her heirs, executors or administrators (notwithstanding the said two years be expired,) shall and may bring his, her or their writ of error, appeal, or other writ aforesaid for the reversing of such fine, recovery or judgment, so as the same be done within two years after his or her full age, discovery, coming to sound mind, enlargement, out of prison, or return into some one of the United States of America, or the organized territories thereof, but not afterwards or otherwise.

When act not to apply.

SECTION 2. That the provisions of this act shall be held not to apply to any case in which recovery has been suffered, judgment entered, or decree pronounced, previous to its passage.

APPROVED—The 1st day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 12.

## AN ACT

Making appropriations for the maintenance of the Hospital for the Insane, for the Northern district of Pennsylvania, at Danville, and for the erection of a wing to same.

SECTION 1. *Be it enacted, &c.*, That the following sums be and the same are hereby specifically appropriated to the Hospital for the Insane for the Northern district of Pennsylvania, for the year one thousand eight hundred and seventy-four, to be paid out of the moneys in the treasury not otherwise appropriated: For maintenance of institution, the sum of

thirty-five thousand dollars; for the erection of wing, the foundation for which was laid last fall, the sum of one hundred thousand dollars: *Provided*, That so long as applications in behalf of indigent insane persons are pending for admission to said hospital, no additional paying patients shall be received.

APPROVED—The 1st day of April, A. D. 1874.

J. F. HARTRANFT.

### No. 13.

### AN ACT.

To validate acts done by corporations created by the courts before the recording of their charters.

WHEREAS, Doubts have arisen as to the capacity of corporations created under the provisions of the thirteenth section of the act of general assembly of this commonwealth, approved the thirteenth day of October, one thousand eight hundred and forty, entitled "An Act relating to orphans' courts and for other purposes," to exercise any corporate functions before the recording of their charters as therein provided; therefore,

SECTION 1. *Be it enacted, &c.*, That where any act has been done, or transfer or conveyance of any property been made to, or by any corporation created or intended to be created by virtue of the provisions of the said act of assembly, or its supplements, in good faith before the actual record of their charters, such acts, transfers and conveyances shall, after such record has been duly made, be deemed and taken to be valid and effectual for all purposes, saving, nevertheless, the just rights of persons, if any, acquired before the passage of this act, by reason of the failure to record such charters.

APPROVED—The 1st day of April, A. D. 1874.

J. F. HARTRANFT.

### No. 14.

### AN ACT

Making an appropriation to complete the building of the Sheltering Arms, Allegheny county.

SECTION 1. *Be it enacted, &c.*, That the sum of five thousand dollars be and the same is hereby specifically appropriated to aid in completing the building of the institution for protection of poor young orphan girls, known as Sheltering Arms, Allegheny county, to be paid quarterly, commencing on the fifteenth day of July, one thousand eight

## LAWS OF PENNSYLVANIA,

hundred and seventy-four, out of any money in the treasury not otherwise appropriated.

APPROVED—The 6th day of April, A. D. 1874.

J. F. HARTRANFT.

No. 15.

## AN ACT

Making an appropriation to the Industrial Home for Blind Women at Philadelphia.

SECTION 1. *Be it enacted, &c.*, That the sum of two thousand dollars be and the same is hereby specifically appropriated to the Industrial Home for Blind Women, at Philadelphia, for clothing and maintenance of blind women, for the year commencing on the first day of June, one thousand eight hundred and seventy-four; the above appropriation to be paid out of any moneys in the treasury not otherwise appropriated, quarterly, on the fifteenth days of July and October, Anno Domini one thousand eight hundred and seventy-four, and the fifteenth days of January and April, Anno Domini one thousand eight hundred and seventy-five.

APPROVED—The 6th day of April, A. D. 1874.

J. F. HARTRANFT.

No. 16.

## AN ACT

Making an appropriation for the support of the House of Refuge in Philadelphia.

SECTION 1. *Be it enacted, &c.*, That the sum of thirty-five thousand dollars be and the same is hereby specifically appropriated to the House of Refuge in Philadelphia, for the support of the institution, for the year commencing on the first day of June, one thousand eight hundred and seventy-four, the above appropriations to be paid out of any moneys in the treasury not otherwise appropriated, quarterly, on the fifteenth days of July and October, Anno Domini one thousand eight hundred and seventy-four, and the fifteenth days of January and April, Anno Domini one thousand eight hundred and seventy-five.

APPROVED—The 6th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 17.

## AN ACT

Making an appropriation for the support of the Pennsylvania Reform School, and to aid in the erection of new buildings.

SECTION 1. *Be it enacted, &c.*, That the sum of sixteen thousand five hundred dollars is hereby appropriated for the payment of the salaries of the officers of the Pennsylvania Reform School for the next year; also, the sum of three thousand dollars for repairs to the old buildings, and the further sum of one hundred thousand dollars to aid in the erection of the new buildings at Morganza station, Washington county; these sums to be paid in quarterly payments on the fifteenth days of July and October, one thousand eight hundred and seventy-four, and on the fifteenth days of January and April, one thousand eight hundred and seventy-five.

APPROVED—The 6th day of April, A. D. 1874.

J. F. HARTRANFT.

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## No. 18.

## AN ACT

Granting an appropriation for the support of the Home for Deaf Mutes, Pittsburg.

SECTION 1. *Be it enacted, &c.*, That the sum of two thousand dollars be and the same hereby is specifically appropriated for the maintenance and education of the inmates of the Home for Deaf Mutes at Pittsburg, the above appropriation to be paid out of any moneys in the treasury not otherwise appropriated, quarterly, on the fifteenth days of July and October, Anno Domini one thousand eight hundred and seventy-four, and the fifteenth days of January and April, Anno Domini one thousand eight hundred and seventy-five.

APPROVED—The 6th day of April, A. D. 1874.

J. F. HARTRANFT.

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## No. 19.

## AN ACT

Making appropriations for the salaries of the officers and the improvement of the grounds of the Western Pennsylvania Hospital at Dixmont.

SECTION 1. *Be it enacted, &c.*, That the followingsums be and the same are hereby specifically appropriated to the Western Pennsylvania Hospital, for the several objects hereinafter named, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and seventy-four:



For the payment of salaries, wages and support of home, the sum of twenty-five thousand dollars.

For insurance, the sum of two thousand dollars.

For grading and improving grounds, and protecting buildings from threatened land slide, the sum of ten thousand dollars.

The above appropriations to be paid out of any moneys in the treasury not otherwise appropriated, quarterly, on the fifteenth days of July and October, Anno Domini one thousand eight hundred and seventy-four, and the fifteenth days of January and April, Anno Domini one thousand eight hundred and seventy-five: *Provided*, That so long as applications in behalf of indigent insane persons are pending for admission to said hospital no additional paying patients shall be received.

APPROVED—The 6th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 20.

### AN ACT

Designating the judicial districts of the commonwealth, and providing for the appointment and election of judges therein, for issuing to additional judges learned in the law commissions as president judges, and manner of fixing the terms of courts therein.

**SECTION 1.** *Be it enacted, &c.,* That the judicial districts of the commonwealth shall be numbered, composed and designated as follows:

Districts.

First.

The First district shall be composed of the city and county of Philadelphia.

Second.

The Second district of the county of Lancaster.

Third.

The Third district of the county of Northampton.

Fourth.

The Fourth district of the counties of Tioga, Potter, McKean and Cameron.

Fifth.

The Fifth district of the county of Allegheny.

Sixth.

The Sixth district of the county of Erie.

Seventh.

The Seventh district of the county of Bucks.

Eighth.

The Eighth district of the county of Northumberland.

Ninth.

The Ninth district of the county of Cumberland.

Tenth.

The Tenth district of the county of Westmoreland.

Eleventh.

The Eleventh district of the county of Luzerne.

Twelfth.

The Twelfth district of the county of Dauphin, to which the county of Lebanon is hereby attached.

Thirteenth.

The Thirteenth district of the county of Bradford.

Fourteenth.

The Fourteenth district of the county of Fayette, to which the county of Greene is hereby attached.

Fifteenth.

The Fifteenth district of the county of Chester.

Sixteenth.

The Sixteenth district of the counties of Bedford and Somerset.

Seventeenth.

The Seventeenth district of the counties of Butler and Lawrence.

The Eighteenth district of the counties of Clarion and Jefferson.	Eighteenth.
The Nineteenth district of the county of York.	Nineteenth.
The Twentieth district of the counties of Union, Snyder and Mifflin.	Twentieth.
The Twenty-first district of the county of Schuylkill.	Twenty-first.
The Twenty-second district of the counties of Wayne and Pike.	Twenty-second.
The Twenty-third district of the county of Berks.	Twenty-third.
The Twenty-fourth district of the counties of Huntingdon, Blair and Cambria.	Twenty-fourth.
The Twenty-fifth district of the counties of Centre, Clearfield and Clinton.	Twenty-fifth.
The Twenty-sixth district of the counties of Columbia, Sullivan, Wyoming and Montour.	Twenty-sixth.
The Twenty-seventh district of the county of Washington.	Twenty-seventh.
The Twenty-eighth district of the county of Venango.	Twenty-eighth.
The Twenty-ninth district of the county of Lycoming.	Twenty-ninth.
The Thirtieth district of the county of Crawford.	Thirtieth.
The Thirty-first district of the county of Lehigh.	Thirty-first.
The Thirty-second district of the county of Delaware.	Thirty-second.
The Thirty-third district of the county of Armstrong.	Thirty-third.
The Thirty-fourth district of the county of Susquehanna.	Thirty-fourth.
The Thirty-fifth district of the county of Mercer.	Thirty-fifth.
The Thirty-sixth district of the county of Beaver.	Thirty-sixth.
The Thirty-seventh district of the counties of Warren, Forest and Elk.	Thirty-seventh.
The Thirty-eighth district of the county of Montgomery.	Thirty-eighth.
The Thirty-ninth district the county of Franklin, to which the county of Fulton is hereby attached.	Thirty-ninth.
The Fortieth district of the county of Indiana.	Fortieth.
The Forty-first district of the counties of Juniata and Perry.	Forty-first.
The Forty-second district of the county of Adams.	Forty-second.
The Forty-third district of the counties of Carbon and Monroe.	Forty-third.

**SECTION 2.** That the qualified electors of the county of Luzerne, constituting the Eleventh district, and the county of Lancaster, constituting the Second district, the counties of Dauphin and Lebanon, constituting the Twelfth district, the counties of Lawrence and Butler, constituting the Seventeenth district, the counties of Clearfield, Clinton and Centre, constituting the Twenty-fifth district, and the counties of Columbia, Montour, Wyoming and Sullivan, constituting the Twenty-sixth district, shall, at the next general election, in the manner prescribed by law for the election of president judges, elect one person for each of said districts, learned in the law, to serve as an additional judge of the several courts in each of said districts; and the qualified electors of any county constituting a separate judicial district, excepting in Thirteenth district, where, under the constitution or laws of this commonwealth, an additional law judge or additional law judges, or judges learned in the law, have heretofore been elected or commissioned, shall at the general election next preceding the expiration of the term of office of such addi-

## Qualifications.

To be commissioned.

Tenure of office.

Powers, jurisdiction, &amp;c.

## Compensation.

Power to hold special and adjourned courts.

Additional judge for Second district.

Where additional judge for Twelfth district to reside.

How elections for judges to be held and conducted.

Returns of elections.

Returns in cases where two or more counties compose a district.

tional law judge or additional law judges, or judges learned in the law, in the manner provided for the election of president judge of said district, elect a successor or successors in office for such district; said additional judges shall possess the same qualifications which are required by the constitution and laws for president judge, and shall be commissioned by the governor, and hold their offices by the same tenure as other judges of courts of record required to be learned in the law; the said additional judges shall have the same power, authority and jurisdiction in the several courts of their said districts respectively, and be subject to the same duties, provisions and penalties as the president judges thereof, and receive the same compensation for their services, to be paid out of the state treasury in quarterly payments, in the same manner as the salaries of president judges are now paid; that the said additional judges shall have the same power and authority to hold special and adjourned courts in their own or other districts as president judges have by existing laws.

SECTION 3. That the additional law judge herein provided for the Second judicial district is in the place of and successor to the additional law judge provided for and now serving under the provisions of the act approved the twenty-fifth day of March, one thousand eight hundred and sixty-four, providing for an additional law judge for said district; and the additional law judge hereinbefore provided for the Twelfth district shall reside in the county of Lebanon.

SECTION 4. That the election for judges shall be held and conducted in the several election districts in the same manner in all respects as elections for representatives are or shall be held and conducted, and by the same judges, inspectors and other officers, under the provisions of existing laws regulating elections in this commonwealth.

SECTION 5. That duplicate returns of all the votes given in each county for judges of the supreme court, and all judges which the qualified electors of such county are entitled to elect of themselves, unconnected with any other county or district, shall be made out by the prothonotary of the court of common pleas of such county, under direction of said court, at their meeting to receive and compute the returns of the preceding election, agreeably to the provisions of the thirteenth section of the act, entitled "A further supplement to the act regulating elections in this commonwealth," approved January thirtieth, one thousand eight hundred and seventy-four, one of which returns shall be filed and entered of record in the office of the prothonotary of such court, and the other return such prothonotary shall enclose in a sealed envelope and direct, and immediately mail, to the secretary of the commonwealth.

SECTION 6. That in case of the election of a president, or of an additional law judge in any judicial district, composed of two or more counties, on the day of the sitting of the court, or other person authorized by law to receive and compute returns in each of such counties, the prothonotary of the courts opens, and in their presence shall make out a return of all the votes which shall be given at such election

within the county, for every person voted for as such president or additional law judge, which shall be properly attested by the seal of said court, and the said court, or persons receiving and computing said returns, shall thereupon appoint one of the judges of election in said county to take charge of such returns, and produce the same at a meeting of the judges so appointed in each of the counties composing said district, which meeting shall be held on the seventh day after the election, at the court house of one of the counties to be ascertained, taking said counties alternately in alphabetical order.

SECTION 7. That the return judges from the several counties as aforesaid, having so met, shall cast up the several county returns, and shall make three copies of a general return of all the votes cast in the district for such office, each of which they shall certify, one of which they shall lodge in the office of the prothonotary of the county in which they so meet, another of which they shall enclose, seal and direct to the secretary of the commonwealth, and the third, they shall deliver to the person, appearing from such general return, to have received the largest number of votes cast.

Duties of return judges from several counties composing a district when met together.

SECTION 8. The governor is hereby authorized to nominate and appoint, with the advice and consent of the senate, all president and additional law judges authorized and required by this act, except in the Fortieth district, where the present president judge of the Tenth district shall continue to exercise his present jurisdiction until a president judge shall have been elected therein, who shall hold their several offices until their successors are elected and commissioned according to the provisions of the constitution; and until the appointment is made, the several judges now in commission shall continue to hold the courts in the several counties of the commonwealth as heretofore.

Governor authorized to appoint judges to serve until successors are commissioned.

SECTION 9. That in such districts as there may be no president judge learned in the law, or additional law judge, or judge learned in the law, at the passage of this act, the qualified electors of each county composing such district, shall at the next general election, and whenever the same thereafter shall be necessary, at the times and places for holding such election within their respective election districts, elect one person for president judge of the courts in such district, and as many persons for additional law judges thereof as shall be required by the constitution and the laws.

In districts without judges, electors to choose at general election.

SECTION 10. That from and after the passage of this act, the judges learned in the law in commission, shall, during their unexpired terms, be judges of the several courts of the districts in which they may reside; and the governor shall commission all additional law judges or judges learned in the law, residing in counties made separate by this act, to be president judges for the remainder of the term for which they were elected; and at the election next preceding the expiration of the term of any president judge, additional law judge, or judge learned in the law, the qualified electors of every county composing such district, shall vote for and elect their successors in office.

Judges now in commission to serve during unexpired terms in the districts they reside.

Additional judges residing in counties made separate, to be commissioned as president judges.

Election of successors.

Judges to fix time  
of holding courts.

SECTION 11. That at the first term of the court held in the several districts of this commonwealth, after the passage of this act, by the judge duly elected or appointed to hold the same, it shall be the duty of said judges to make an order fixing the time of holding the regular terms of said courts, which order and all modifications or changes thereof shall be published in not less than two newspapers in each county of the district, at least thirty days before the time so fixed for holding said courts.

of the assignment  
of judges where  
districts contain-  
ing two have been  
divided

SECTION 12. That where, under the constitution and section thirteen of the schedule, in any district under the former law, there were two judges residing in the same district, and that district by this act has been divided, within ten days after the approval of this act by the governor, the president judge shall elect by writing, filed with the secretary of the commonwealth, to which district he shall be assigned, and the additional law judge shall be assigned to the other; and if both are residents of the same county, the judge assigned to the other district shall, within twenty days from the approval of this act, take up his permanent residence in said district, by this act made a separate district, or else a vacancy is hereby declared to exist therein, and may be filled as other vacancies are, by appointment and election.

Repeal.

SECTION 13. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

APPROVED—The 9th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 21.

### AN ACT

Relative to the issuing of warrants to survey vacant lands.

What required of  
applicants for war-  
rants to survey va-  
cant lands.

SECTION 1. *Be it enacted, &c.*, That every applicant for a warrant to survey any of the vacant lands of this commonwealth shall produce to the surveyor general a particular description of the land applied for, with an affidavit of a disinterested witness, made before a justice of the peace of the township or borough in which the land applied for, or the greater portion of it, is situate, or if there be no justice of the peace in such township or borough, before a justice of an adjoining township or borough, specifying whether the said land be improved or not, and if improved, how long since the said improvement was made, that interest may be charged as now provided by law. The applicant for such warrant shall declare, upon oath or affirmation, before a justice of the peace of the township or borough in which the land or greater portion of the same is situate, or if there be no justice in such township or borough, before a justice of an adjoining township or borough, that he verily believes that no warrant or other office right has previously issued for such land, or if one has issued, after giving full particulars in relation thereto, shall depose that he verily believes it has been abandoned;

and if at any time thereafter it shall appear that the person or persons deposing, as aforesaid, or any of them, shall knowingly have sworn falsely, such person or persons shall suffer all the pains and penalties of perjury.

SECTION 2. No warrant shall issue for any tract or piece of land on which settlement is made, or which may be either in whole or in part cleared and fenced, or otherwise improved, used or occupied and held by defined boundaries, unless to such person or persons, respectively, who have made the settlement, clearing, fencing or improvement, their legal representatives or assigns, upon proof of ownership of such settlement or improvement right, and if any warrant shall issue otherwise than as aforesaid, it shall be void: *Provided*, That this section shall not apply to abandoned improvements.

Of the issuing of warrants for settled or improved lands.

SECTION 3. Every applicant for a warrant to survey vacant land shall, after filing his or their application for such warrant, and depositing the amount of the purchase money and fee with the surveyor general, give at least thirty days' notice of the filing of said application, with a full description of the land as set forth in the application, by publication once a week for three successive weeks, in one or more newspapers of the county in which the land is situate, and nearest its location, and shall furnish proof that such notice has been given, before a warrant shall issue: *Provided*, That if any caveat or caveats shall have been entered against issuing such warrant, the same shall not issue until directed by the board of property; and if the board of property, after a hearing upon a citation issued in pursuance of any caveat, shall decide against issuing the warrant, the purchase money shall be returned to the applicant.

Applicants for warrants to give notice of filing applications, &c.

When caveat entered, warrant not to issue until directed by board of property.

If board decide against issuing, purchase money to be returned.

SECTION 4. This act shall not apply to applications for warrants filed with the surveyor general before its passage.

Not to apply to past applications.

APPROVED—The 14th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 22.

### AN ACT

To provide for the current expenses of the Board of Public Charities.

SECTION 1. *Be it enacted, &c.*, That the following sums be and the same are hereby specifically appropriated for the expenses of the Board of Public Charities, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and seventy-four, to be paid out of any moneys in the treasury, not otherwise appropriated: For the salary of general agent and secretary of the board, three thousand dollars; for postage, telegrams and express charges, four hundred dollars, or so much thereof as may be necessary; for fuel and cleaning office, the sum of three hundred dollars, or so much thereof as may be necessary; for stationery, the sum of one hundred dollars, or so much thereof as may be

necessary; for actual traveling or other necessary expenses of the commissioner and general agent of the board, the sum of one thousand dollars, or so much thereof as may be necessary; for the employment of necessary clerical aid in the office of the board, the sum of three thousand dollars, or so much thereof as may be necessary.

APPROVED—The 14th day of April, A. D. 1874.

J. F. HARTRANFT.

No. 23.

### AN ACT

To provide for the support of the Northern Home for friendless children.

SECTION 1. *Be it enacted, &c.,* That the sum of five thousand dollars be and the same is hereby appropriated to the Northern Home for friendless children, for the year commencing upon the first day of June, Anno Domini one thousand eight hundred and seventy-four, (1874,) to be paid quarterly out of any moneys in the treasury not otherwise appropriated.

APPROVED—The 14th day of April, A. D. 1874.

J. F. HARTRANFT.

No. 24.

### A SUPPLEMENT

To an act, approved first day of May, one thousand eight hundred and seventy-three, entitled "An Act to amend and consolidate the several acts relating to game and game fish," changing the time during which squirrels may be killed.

SECTION 1. *Be it enacted, &c.,* That the second section of the act to amend and consolidate the several acts relating to game and game fish, approved May first, one thousand eight hundred and seventy-three, be and the same is hereby amended, so as to read "between the first day of January and the first day of September in each year," and so much of said section as is inconsistent herewith is hereby repealed.

APPROVED—The 17th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 25.

## AN ACT

To provide for the manner of increasing the capital stock and indebtedness of corporations.

**SECTION 1.** *Be it enacted, &c.,* That the capital stock or indebtedness of any corporation may be increased from time to time, by the consent of the persons or bodies corporate holding the larger amount in value of the stock of such company, to such amount as such corporation is by law authorized to increase its capital stock or indebtedness: *Provided*, That no corporation shall increase the amount of its indebtedness beyond the amount of its capital stock subscribed, until the amount of its capital stock subscribed shall be fully paid in.

Capital stock and indebtedness of corporations may be increased.

*Provido.*

**SECTION 2.** That any corporation desirous of increasing its capital stock or indebtedness, as provided by this act, shall, by a resolution of its board of directors, call a meeting of its stockholders therefor; which meeting shall be held at its chief office or place of business in this commonwealth, and notice of the time, place and object of said meetings shall be published once a week for sixty days prior to such meeting, in at least one newspaper published in the county, city or borough wherein such office or place of business is situate.

Meeting of stockholders to be called.

Where to be held.

Notice of meeting to be published.

**SECTION 3.** At the meeting called, pursuant to the second section of this act, an election of the stockholders of such corporation shall be taken for or against such increase, which shall be conducted by three judges, stockholders of said corporation, appointed by the board of directors to hold said election; and if one or more of said judges be absent, the judge or judges present shall appoint a judge or judges, who shall act in the place of the judge or judges absent, and who shall respectively take and subscribe an oath or affirmation before an officer authorized by law to administer the same, well and truly, and according to law, to conduct such elections to the best of their ability; and the said judges shall decide upon the qualification of voters, and when the election is closed, count the number of shares voted for and against such increase, and declare whether the persons or bodies corporate holding the larger amount of the stock of such corporation have consented to such increase or refused to consent thereto, and shall make out duplicate returns of said election, stating the number of shares of stock that voted for such increase, and the number that voted against such increase, and subscribe and deliver the same to one of the chief officers of said company.

Election of stockholders for and against increase, to be taken.

How conducted.

Returns of election

**SECTION 4.** Each ballot shall have endorsed thereon the number of shares thereby represented, but no share or shares transferred within sixty days shall entitle the holder or holders thereof to vote at such election or meeting, nor shall any proxy be received or entitle the holder to vote unless the same shall bear date and have been executed within three months next preceding such election or meeting; and it shall be the duty of such corporation to furnish the judges

Ballots.

Shares transferred and proxies executed within certain time, not to entitle holders to vote.



Certain statement  
to be furnished  
judges of election.

at said meeting with a statement of the amount of its capital stock, with the names of persons or bodies corporate holding the same, and number of shares by each respectively held, which statement shall be signed by one of the chief officers of such corporation, with an affidavit thereto annexed that the same is true and correct to the best of his knowledge and belief.

If increase con-  
sented to, return of  
election, &c., to be  
filed with secretary  
of commonwealth.

SECTION 5. That it shall be the duty of such corporation, if consent is given to such increase, to file in the office of the secretary of the commonwealth, within thirty days after such election or meeting, one of the copies of the return of such election provided for by the third section of this act, with a copy of the resolution and notice calling the same thereto annexed; and upon the increase of the capital stock or indebtedness of such corporation made pursuant thereto, it shall be the duty of the president or treasurer of such corporation, within thirty days thereafter, to make a return to the secretary of the commonwealth, under oath, of the amount of such increase, and in case of neglect or omission so to do, such corporation shall be subject to a penalty of five thousand dollars, which penalty shall be collected on an account settled by the auditor general and state treasurer, as accounts for taxes due the commonwealth are settled and collected; and the secretary of the commonwealth shall cause said return to be recorded in a book kept for that purpose and furnish a certified copy of the same to the auditor general.

Amount of increase  
to be returned to  
him.

Penalty for neglect

Return to be re-  
corded, &c.

To make report to  
auditor general.

SECTION 6. That every corporation shall, within sixty days, when requested by the auditor general, render to him a report under the oath of its president or treasurer, of the amount of capital stock or bond indebtedness issued pursuant to the provisions of this act, showing in case of stock to whom issued and the price or consideration received therefor, amount received, and from whom, in money, in labor and in other property; and if so requested, a detailed statement of the character, value and situation of the property so received; and in case of refusal or neglect so to do, shall be subject to a penalty of five thousand dollars for each and every thirty days thereafter such corporation shall refuse or neglect to make such report, which penalty or penalties shall be collected on an account or accounts settled from time to time by the auditor general and state treasurer, as accounts for taxes due the commonwealth are settled and collected.

Penalty for neglect.

Bonus on increase  
of capital stock.

SECTION 7. That every company, except railroad, canal, turnpike, bridge or cemetery companies, and companies incorporated for literary, charitable or religious purposes, which shall increase its capital stock under the provisions of this act shall pay to the state treasurer, for the use of the commonwealth, a bonus of one-quarter of one per centum upon the amount of said increase, in two instalments, the first to be due upon the filing of the certificate required by the preceding section of this act, to be filed in the office of the secretary of the commonwealth, and the second instalment one year thereafter: *Provided*, That nothing in this act shall be construed to reduce the amount of bonus to be paid by any company having in its charter a special provision requiring

the payment of a bonus at a higher rate than one-quarter of one per centum.

SECTION 8. All acts and parts of acts inconsistent with the Repeal. provisions of this act are hereby repealed.

APPROVED—The 18th day of April, A. D. 1874.

J. F. HARTRANFT.

### No. 26.

### A SUPPLEMENT

To an act relating to county treasurers, passed April fifteenth, one thousand eight hundred and thirty-four.

SECTION 1. *Be it enacted, &c.*, That the compensation of each county treasurer shall be settled under the laws existing at the time of his entering upon his duties, and in all cases in which there has heretofore been or shall hereafter be a disagreement between the county commissioners and county auditors, and a failure to settle said compensation from any cause, the said county treasurer shall receive as compensation the same amount per centum, upon all sums received and paid out by him, as was received by his predecessor in office: *Provided*, That each county treasurer who has entered upon the discharge of his duty prior to the passage of this act, and whose compensation has not been fixed prior to entering on the discharge of his duties, shall receive the same amount per centum, upon all sums received and paid out by him as was lawfully received by his immediate predecessor for like services: *Provided*, This act shall not interfere with local laws relating to the compensation of county treasurers already in force, and shall not apply to counties containing over one hundred and fifty thousand inhabitants.

APPROVED—The 18th day of April, A. D. 1874.

J. F. HARTRANFT.

### No. 27.

### AN ACT

Making an appropriation to the Philadelphia Society for alleviating the miseries of public prisons.

SECTION 1. *Be it enacted, &c.*, That the sum of three thousand dollars be and the same hereby is specifically appropriated to the Philadelphia Society for alleviating the miseries of public prisons, to enable the society to carry out the objects of the association for the year commencing on the first day of June, one thousand eight hundred and seventy-four, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED—The 18th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 28.

## AN ACT

Relating to affidavits of defence.

Writ of error allowed where judgment refused for insufficient affidavit of defence.

SECTION 1. *Be it enacted, &c.*, That in all actions now pending, or which may hereafter be brought, wherein, by act of assembly or rule of court, the plaintiff is entitled to ask for judgment for want of a sufficient affidavit of defence, and the court shall decide against his right to such judgment, plaintiff may except to such decision and take a writ of error to the supreme court.

If decision of court below correct, writ to be dismissed at cost of plaintiff.

SECTION 2. If, in the opinion of the supreme court, the decision of the court below is correct, the writ of error shall be dismissed at the costs of the plaintiff, but without prejudice to his right to trial by jury and a second writ of error after final judgment; but if the affidavit of defence should be deemed by the supreme court insufficient to prevent judgment, then said court shall remit the record to the court below, with directions to enter judgment against the defendant or defendants for such sum as to right and justice may belong, unless other legal or equitable cause be shown to the court below why such judgment should not be so entered.

Duties of court if affidavit deemed insufficient to prevent judgment.

APPROVED—The 18th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 29.

## AN ACT

To define the necessary and proper expenses incident to the nomination and election of senators, representatives, state, judicial, municipal and county officers, and to authorize the payment thereof.

Candidates for office prohibited from purchasing nomination, election or appointment.

SECTION 1. *Be it enacted, &c.*, That no person who shall hereafter be a candidate for the nomination, or for election to the senate or house of representatives, or to any office of the judiciary, or to any state, municipal or county office in this commonwealth, shall pay or contribute, either directly or indirectly, any money or other valuable thing, or knowingly allow it to be done by others for him, either for the nomination, election or appointment, except necessary expenses as follows, to wit:

Necessary expenses defined.

First. For printing and traveling expenses.

Second. For dissemination of information to the public.

Third. For political meetings, demonstrations and conventions.

How such expenses may be incurred.

The foregoing expenses may be incurred, either in person or through other individuals or committees of organizations duly constituted for the purpose, but nothing contained in this act shall be so construed as to authorize the payment of money or other valuable thing for the vote or influence of any elector, either directly or indirectly, at primary, town-

ship, general or special elections, nominating conventions, or for any corrupt purposes whatever incident to an election; and all judicial, state, county and municipal officers hereafter elected shall, before entering upon the duties of their respective offices, take and subscribe the oath prescribed by section first, of article seven, of the constitution of this commonwealth.

Judicial and other officers to take certain oath.

SECTION 2. Every person violating either of the provisions of this act shall be guilty of a misdemeanor, and on conviction shall be subject to fine not exceeding one thousand dollars, and to imprisonment not exceeding one year, or both, or either, at the discretion of the court.

Penalty for violating act.

APPROVED—The 18th day of April, A. D. 1874.

J. F. HARTRANFT.

### No. 30.

### AN ACT

To regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof.

SECTION 1. *Be it enacted, &c.,* That whenever the debt of any county, city, borough, township, school district, or other municipality or incorporated district within this commonwealth shall be equal to seven per centum upon the assessed value of the taxable property, as fixed by the last preceding assessed valuation therein, it shall be unlawful to increase the same, and all such increase shall be void, and any obligation issued for such increase, or any part thereof, shall be of no binding force upon such municipality or district; and each of the officers thereof wilfully authorizing such increase, or executing any obligation therefor, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding ten thousand dollars, and undergo an imprisonment not exceeding one year, or either, at the discretion of the court trying the same: *Provided,* That any city, the debt of which now exceeds seven per centum of such assessed valuation, may, under authority of law to be hereafter enacted, increase the same three per centum in the aggregate at any one time upon such valuation.

Increase of indebtedness beyond seven per cent. on valuation, prohibited.

Penalty.

Exception.

SECTION 2. That any county, city, borough, school district, or other municipality or incorporated district may incur debt, or increase its indebtedness to an amount in the aggregate not exceeding two per centum upon the assessed value of the taxable property therein, as fixed and determined by the last preceding assessed valuation thereof; and the corporate authorities of such municipality may by a vote thereof, duly recorded upon its minutes, authorize and direct the incurring or the increase of such debt to the amount aforesaid, and may issue coupon bonds or other securities therefor in sums not less than one hundred dollars each, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually, and the principal thereof re-imburse-

Debt equal to two per cent. on valuation, may be incurred.

Authorities may direct incurring of same, and issue securities therefor.

Word "indebtedness," defined.

How net amount of indebtedness ascertained.

Authorities to publish statement of indebtedness, &c., annually.

Existing indebtedness may be provided for by re-issue of bonds, &c.

Present floating indebtedness may be funded.

**SECTION 5.** The word "indebtedness," used in this act, shall be deemed, held and taken to include all and all manner of debt, as well floating as funded, of the said municipality; and the net amount of such indebtedness shall be ascertained by deducting from the gross amount thereof, the moneys in the treasury, all outstanding solvent debts, and all revenues applicable within one year to the payment of the same.

**SECTION 6.** The corporate authorities of every such municipality or district shall, annually, in the month of January, prepare and publish in at least two newspapers of said municipality, or of the county in which the same is situate, if so many be printed therein, a statement showing in detail the actual indebtedness, the amount of the funded debt, the amount of the floating debt thereof, the valuation of taxable property therein, the assets of the corporation, with the character and nature thereof, and the date of maturity of the respective forms of funded debt thereof, and a neglect or failure so to do shall be a misdemeanor, punishable by fine not exceeding one thousand dollars.

**SECTION 7.** That the existing indebtedness of any such municipality evidenced by outstanding bonds or certificates of indebtedness heretofore issued, may be provided for as the same shall mature, by a re-issue of bonds or certificates of indebtedness to the holders of said outstanding bonds or certificates, or by the issue and sale at not less than par of new bonds or certificates; and the present floating indebtedness of any such municipality, may be funded by the issue and sale at not less than par of bonds or certificates of indebtedness in sums not less than one hundred dollars each: *Provided*, That no such bonds or certificates shall be issued for a longer period than thirty years from the date thereof; and it shall be the duty of the proper corporate authorities of such municipality to provide for the payment of principal and interest of all such bonds, in the manner pointed out in the fourth section of this act.

APPROVED—The 20th day of April, A. D. 1874.

J. F. HARTRANFT.

No. 31.

AN ACT

For the taxation of corporations.

No corporation to go into operation until registered.

**SECTION 1.** *Be it enacted, &c.*, That hereafter no institution or company incorporated by or under any law of this commonwealth, general or special, or of any other state, and authorized to do business in this commonwealth, shall go into operation without first having the name of the institution or company, the date of incorporation, the act of assembly under which incorporated, the place of business, the amount of capital paid in, and the names of the president and treasurer of the same, registered in the office of the auditor general; and

any such institution or company which shall neglect or refuse to comply with the provisions of this section, shall be subject to a penalty of five hundred dollars, which penalty shall be collected on an account settled by the auditor general and state treasurer, in the same manner as taxes on stock are settled and collected. Penalty for neglect.

SECTION 2. That hereafter it shall be the duty of the president or treasurer of every company now or hereafter incorporated by or under any law of this commonwealth, except banks and savings institutions, and of every company now or hereafter incorporated by any other state, and doing business in this commonwealth, which is taxable under the laws of this state, to make report in writing to the auditor general annually in the month of November, stating specifically the amount of capital paid in, the date, amount and rate per centum of each and every dividend declared by their respective corporations during the year ending with the first Monday of said month; and in all cases where any such company shall fail to make and declare any dividend, upon either its common or preferred stock, during the year ending as aforesaid, the treasurer and secretary thereof, after being duly sworn or affirmed to do and perform the same with fidelity, according to the best of their knowledge and belief, shall, between the first and fifteenth days of November, of each year in which no dividend has been declared, as aforesaid, estimate and appraise the capital stock of such company upon which no dividend has been made or declared at its value, not less than the average price which said stock sold for during said year; and when the same shall have been so truly estimated and appraised, they shall forthwith forward to the auditor general a certificate thereof, accompanied by a copy of their said oath or affirmation, by them signed, and attested by the magistrate or other person qualified to administer the same: *Provided*, That if the auditor general or state treasurer, or either of them, is not satisfied with the valuation so made and returned, they are hereby authorized and empowered to make a valuation thereof, and to settle an account upon the valuation so by them made, for the taxes, penalties and interest due commonwealth thereon; and any corporation dissatisfied with such settlement, may appeal therefrom, as is now provided by law for appeals from the settlement of accounts by the auditor general and state treasurer. Annual reports to be made to auditor general.

When no dividend is declared, stock to be appraised.

Auditor general and state treasurer may make valuation and settlement. If dissatisfied with appraisement.

Appeal therefrom authorized.

SECTION 3. That if the said officers of any such company or corporation shall neglect or refuse to furnish the auditor general, on or before the thirty-first day of December, in each and every year, with the report aforesaid, or the report and appraisement, as the case may be, as required by the second section of this act, it shall be the duty of the accounting officers of the commonwealth to add ten per centum to the tax of said corporation for each and every year for which such report, or report and appraisement, were not so furnished, which percentage shall be settled and collected, with the said tax, in the usual manner of settling accounts and collecting such taxes: *Provided*, That if said officers of any Penalty for neglect to make annual reports.

When charter to be forfeited.

such company or corporation shall intentionally fail to comply with the provisions of the second section of this act for three successive years, the auditor general shall report the fact to the governor, who, if he shall be made satisfied such failure was intentional, shall thereupon, by proclamation, declare the charter of said company or corporation forfeited and its chartered privileges at an end; whereupon the same shall cease, end and be determined.

Tax on stock of transportation companies.

SECTION 4. That every railroad company, canal company, steamboat company, slackwater navigation company, transportation company, street passenger railway company, and every other company now or hereafter incorporated by or under any law of this commonwealth, or now or hereafter incorporated by any other state, and doing business in this commonwealth, and owning, operating or leasing to or from another corporation or company, any railroad, canal, slackwater navigation or street passenger railway, or device for the transportation of freight or passengers, or in any way engaged in the transportation of freight or passengers, shall be subject to and pay a tax into the treasury of the commonwealth, annually, at the rate of nine-tenths of one mill upon its capital stock for each one per cent. of dividend made or declared by such company, and in case of no dividend being made or declared by such company, upon either its common or preferred stock, then six mills upon a true valuation of the capital stock of the same, upon which no dividend has been made or declared, made in accordance with the provisions of the third section of this act.

Tax on stock of other corporations.

SECTION 5. That every company whatever, now or hereafter incorporated under any law of this commonwealth, or now or hereafter incorporated by any other state, and doing business in this commonwealth, except those upon which a tax is imposed by the fourth section of this act, and excepting also banks and savings institutions, building associations, and foreign insurance companies, licensed in pursuance of the general acts in relation thereto, shall be subject to and pay a tax into the treasury of the commonwealth, annually, at the rate of one half mill upon its capital stock for each one per cent. of dividend made or declared by such company, and in case of no dividend being made or declared by such company upon either its common or preferred stock, then three mills upon a true valuation of the capital stock of the same, upon which no dividend has been made or declared, made in accordance with the provisions of the third section of this act.

When taxes to be paid.

SECTION 6. That it shall be the duty of the treasurer or other officer having charge of any company, upon which a tax is imposed, by either of the fourth or fifth sections of this act, to transmit the amount of said tax to the treasury of the commonwealth, within fifteen days from the thirty-first day of December, in each and every year; and if any company shall neglect or refuse to pay the tax hereinbefore required to be paid, the directors, managers or treasurer thereof, for the time being, shall be jointly and severally liable in their individual capacity for the payment thereof, and the same may be sued for and recovered under the direc-

Directors, managers, &c., liable in case of neglect.

tion of the state treasurer, as other debts of like amount due the commonwealth are recoverable: *Provided*, That the remedy against the directors, managers or treasurer, in their individual capacity, shall not prevent the commonwealth from proceeding against the corporation by any process provided by law.

SECTION 7. That every company incorporated or organized by or under any law of this commonwealth, or incorporated or organized by or under any law of any other state, and doing business in this commonwealth, which possesses the corporate right or privilege to mine, or to purchase and sell coal, shall semi-annually, upon the first days of July and January, in each and every year, make report, under oath or affirmation, to the auditor general, of the number of tons of coal mined during the six months preceding the said first day of July and January, by such company, and also of the number of tons of coal that shall be mined by any unincorporated association, partnership or individual, under any lease, contract, grant or mining privilege, upon the property of which the company making such report is the owner or lessee, or has any mining or coal privileges or interest therein, and also of the number of tons not mined as aforesaid, which shall have been purchased during the same period by the said company, and shall pay into the treasury of the commonwealth an additional tax upon its corporate franchises, created by or used within this commonwealth, at the rate of three cents upon each and every ton of two thousand two hundred and forty pounds of coal so mined or purchased as aforesaid: *Provided*, That the amount of coal consumed in the transaction of its business by any such company shall not be included in its return: *And provided further*, That said tax shall not be payable more than once in respect to the same ton of coal: *And provided also*, That if any such company shall neglect or refuse for a period of thirty days, after such tax becomes due, to make said return, or to pay the same, the amount thereof, with an addition of ten per centum thereto, shall be collected for the use of the commonwealth, as other taxes are recoverable by law from said companies.

Companies possessing right to mine, or purchase and sell coal, to report semi-annually.

Tax on franchises of such companies.

Coal consumed in transaction of business, not to be included in return.

Tax not to be payable more than once.

Penalty for neglect to make return or pay tax.

SECTION 8. That the taxes imposed by the fourth section of this act, and the revenues derived therefrom, shall be assigned to the sinking fund of this commonwealth; and all other taxes imposed by this act, and the revenues derived therefrom, shall be applicable to the payment of the ordinary and current expenses of the government.

How taxes to be assigned and applied.

SECTION 9. That the auditor general and state treasurer, or any agent appointed by them or either of them, are hereby authorized to examine the books and papers of any corporation, institution or company, to verify the accuracy of any return made under the provisions of this or any other act of assembly.

Examination of books and papers of corporations authorized.

SECTION 10. That in the settlement by the auditor general and state treasurer of all accounts for taxes due the commonwealth, they shall charge interest upon the balance or balances found due the commonwealth, at the rate of twelve

Interest on balances due commonwealth.



per centum per annum from the time said balances became due and payable to the time of the settlement of the same; and all balances due the commonwealth on account settled by the auditor general and state treasurer, shall bear interest from sixty days after date of settlement, at the rate of twelve per centum per annum, until the same are paid, and any judgment recovered thereon shall bear interest at the rate of twelve per centum per annum, until paid, and the payment of interest, as aforesaid, shall not relieve any corporation from any of the penalties or commissions prescribed by law for neglect or refusal to furnish reports to the auditor general, or to pay any claim due to the commonwealth from such corporation.

Repeal.

Not to re-impose taxes that have been released.

Payment of taxes accrued under fourth section of act of March 21, 1873.

Abatement for prompt payment.

When repeal of said section to take effect.

SECTION 11. That all laws or parts of laws inconsistent herewith, and the first, second, third, fourth, seventh, eighth and ninth sections of an act, entitled "An Act to revise, amend and consolidate the several laws taxing corporations, brokers and bankers," approved the first day of May, Anno Domini one thousand eight hundred and sixty-eight, and the fourth section of an act, entitled "An Act relating to the revenues of the commonwealth," approved the twenty-first day of March, Anno Domini one thousand eight hundred and seventy-three, be and the same are hereby repealed, saving, reserving and excepting unto the commonwealth the right to collect any taxes accrued or accruing, under any of said sections or acts, prior to the repeal of the same: *Provided however*, The repeal of the aforesaid first, second, third, fourth, seventh, eighth and ninth sections of the act, entitled "An Act to revise, amend and consolidate the several laws taxing corporations, brokers and bankers," approved the first day of May, Anno Domini one thousand eight hundred and sixty-eight, and the repeal of the aforesaid fourth section of an act, entitled "An Act relating to the revenues of the commonwealth," approved the twenty-first day of March, Anno Domini one thousand eight hundred and seventy-three, shall not have the effect of re-imposing any tax heretofore repealed by any of said sections: *Provided further*, That on all payments made of taxes accrued under the aforesaid fourth section of the act approved the twenty-first day of March, Anno Domini one thousand eight hundred and seventy-three, entitled "An Act relating to the revenues of the commonwealth," no interest or penalty shall be charged, and an abatement of five per centum shall be allowed when such payment shall be made within thirty days after the date of the approval of this act; and the repeal of the said fourth section mentioned in this proviso shall take effect as of the first day of January, Anno Domini one thousand eight hundred and seventy-four, reserving, however, unto the commonwealth, the right to collect any and all taxes accruing under said fourth section, prior to the date of repeal, as aforesaid.

APPROVED—The 24th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 32.

## AN ACT

To provide for the incorporation and regulation of certain corporations.

SECTION 1. *Be it enacted, &c.*, That corporations may be formed under the provisions of this act by the voluntary association of five or more persons, for the purposes, and in the manner mentioned herein, and when so formed, each of them by virtue of its existence as such, shall have the following powers, unless otherwise specially provided:

How corporations may be formed.

## GENERAL POWERS.

*First.* To have succession by its corporate name for the period limited by its charter, and when no period is limited thereby, or by this act, perpetually, subject to the power of the general assembly, under the constitution of this commonwealth.

Corporate powers.

*Second.* To maintain and defend judicial proceedings.

*Third.* To make and use a common seal and alter the same at pleasure.

*Fourth.* To hold, purchase and transfer such real and personal property as the purposes of the corporation require, not exceeding the amount limited by its charter or by law.

*Fifth.* To appoint and remove such subordinate officers and agents as the business of the corporation requires, and to allow them a suitable compensation.

*Sixth.* To make by-laws not inconsistent with law, for the management of its property, the regulation of its affairs and the transfer of its stock.

*Seventh.* To enter into any obligation necessary to the transaction of its ordinary affairs.

## CLASSES.

SECTION 2. The purposes for which the said corporation may be formed, shall be as follows, and shall be divided into two classes:

Divided into two classes.

## CORPORATIONS NOT FOR PROFIT—FIRST CLASS.

The first, those for—

Of what the first class consists.

I. The support of public worship.

II. The support of any benevolent, charitable, educational or missionary undertaking.

III. The support of any literary, medical or scientific undertaking, library association, or the promotion of music, painting or other fine arts.

IV. The encouragement of agriculture and horticulture.

V. The maintenance of public or private parks, and of facilities for skating, boating, trotting and other innocent or athletic sports, including clubs for such purposes, and for the preservation of game and fish.

VI. The maintenance of a club for social enjoyments.

VII. The maintenance of a public or private cemetery.

VIII. The erection of halls for public or private purposes.

IX. The maintenance of a society for beneficial or protective purposes to its members from funds collected therein.

X. The support of fire engine, hook and ladder, hose or other companies for the control of fire.

Power to hold real estate.

Each of the said corporations may hold real estate to an amount the clear yearly value or income whereof shall not exceed twenty thousand dollars.

#### CORPORATIONS FOR PROFIT—SECOND CLASS.

Of what the second class to consist.

The second class, those for—

I. The insurance of the lives of domestic animals.

II. The insurance of human beings against death, sickness or personal injury.

III. The prevention and punishment of theft or wilful injuries to property, and insurance against such risks.

IV. The construction and maintenance of any species of road other than a railroad, and of bridges in connection therewith.

V. The construction and maintenance of a bridge over streams within this state.

VI. The construction and maintenance of a telegraph line.

VII. The establishment and maintenance of a ferry.

VIII. The building of ships, vessels or boats, and carriage of persons and property thereon.

IX. The supply of water to the public.

X. The supply of ice to the public.

XI. The manufacture and supply of gas, or the supply of light or heat to the public by any other means.

XII. The transaction of a printing and publishing business.

XIII. The establishment and maintenance of an hotel or boarding house, opera and market house, or either.

XIV. The creating, purchasing, holding and selling of patent rights for inventions and designs, with the right to issue license for the same, and receive pay therefor.

XV. Building and loan associations.

XVI. Associations for the purchase and sale of real estate, and for safe deposit companies.

XVII. The manufacture of iron or steel, or both, or of any other metal, or of any article of commerce from metal or wood, or both.

XVIII. The carrying on of any mechanical, mining, quarrying or manufacturing business, including all of the purposes covered by the provisions of the acts of the general assembly, entitled "An Act to encourage manufacturing operations in this commonwealth," approved April seventh, one thousand eight hundred and forty-nine, entitled "An Act relating to corporations for mechanical, manufacturing, mining and quarrying purposes," approved July eighteenth, one thousand eight hundred and sixty-three, and the several supplements to each of said acts, including the incorporation of grain elevator, storage warehouse and storage yard companies; and also, including the storage and transportation

of water, with the right to take rivulets and land, and erect reservoirs for holding water, and excluding the distilling or manufacture of intoxicating liquors.

XIX. The insurance of owners of real estate, mortgagees, and others interested in real estate, from loss by reason of defective titles, liens and incumbrances.

XX. The re-chartering of corporations of either of these classes the charters whereof are about to expire.

#### MODE OF INCORPORATION.

SECTION 3. The charter of an intended corporation must be subscribed by five or more persons, three of whom at least must be citizens of this commonwealth, and shall set forth.

Charter to be subscribed by five or more persons.

#### CONTENTS OF CERTIFICATE.

I. The name of the corporation.

What to set forth.

II. The purpose for which it is formed.

III. The place or places where its business is to be transacted.

IV. The term for which it is to exist.

V. The names and residence of the subscribers and the number of shares subscribed by each.

VI. The number of its directors and the names and residences of those who are chosen directors for the first year.

VII. The amount of its capital stock, if any, and the number and par value of shares into which it is divided.

#### NOTICE TO BE GIVEN.

Notice of the intention to apply for any such charter shall be inserted in two newspapers of general circulation, printed in the proper county, for three weeks, setting forth briefly the character and object of the corporation to be formed, and the intention to make application therefor.

Notice of intention to apply for charter, to be published.

#### CERTIFICATES FOR FIRST CLASS.

The said certificates of incorporation of the first class shall be acknowledged by at least three of those who subscribe to them before the recorder of deeds of the county in which the business of the corporation is to be transacted, to be their act and deed, and the same being duly certified under the hand and official seal of the said recorder of deeds, shall be presented to a law judge of the said county, accompanied by proof of the publication of the notice of such application, who is hereby required to peruse and examine said instrument, and if the same shall be found to be in the proper form, and within the purposes named in the first class specified in the foregoing section, and shall appear lawful and not injurious to the community, he shall endorse thereon these facts, and shall order and decree thereon that the charter is approved, and that upon the recording of the said charter and order, the subscribers thereto and their associates, shall be a corporation for the purposes and upon the terms therein stated, and the said order and charter shall be recorded in the office for the recording of deeds in and for the

Certificates of the first class to be acknowledged before recorder.

To be presented to and examined by law judge.

If correct, approval to be endorsed thereon, &c.

To be recorded.

From thenceforth the subscribers to be a corporation,

county aforesaid, and from thenceforth the persons named therein and subscribing the same, and their associates and successors, shall be a corporation by the name therein given.

#### CERTIFICATES FOR SECOND CLASS.

What certificates of the second class to set forth.

The certificate for a corporation embraced within the second class, named in the foregoing section, shall set forth all that is hereinbefore required to be set forth, and except building and loan associations, shall also state that ten per centum of the capital stock thereof has been paid in cash to the treasurer of the intended corporation, and the name and residence of such treasurer shall be therein given. The same shall be acknowledged by at least three of the subscribers thereto, before the recorder of deeds of the county in which the chief operations are to be carried on, or in which the principal office is situated, and they shall also make and subscribe an oath or affirmation before him, to be endorsed on the said certificate, that the statements contained therein are true. The said certificate, accompanied with proof of publication of notice as hereinbefore provided, shall then be produced to the governor of this commonwealth, who shall examine the same, and if he find it to be in proper form and within the purposes named in the second class, specified in the foregoing section, he shall approve thereof and endorse his approval thereon, and direct letters patent to issue in the usual form, incorporating the subscribers and their associates and successors into a body politic and corporate, in deed and in law, by the name chosen, and the said certificate shall be recorded in the office of the secretary of the commonwealth, in a book to be by him kept for that purpose, and he shall forthwith furnish to the auditor general an abstract therefrom, showing the name, location, amount of capital stock, and name and address of the treasurer of such corporation. The said original certificate, with all of its endorsements, shall then be recorded in the office for the recording of deeds, in and for the county where the chief operations are to be carried on, and from thenceforth the subscribers thereto, and their associates and successors, shall be a corporation, for the purposes and upon the terms named in the said charter. Certified copies of both the records thereof and of the charters of the corporations named in the first class specified in the foregoing section, shall be competent evidence for all purposes in the courts of this commonwealth. The secretary of the commonwealth shall charge and receive a fee of five dollars upon every paper relating to a corporation filed or recorded in his office.

To be acknowledged before recorder.

And statements therein verified by affidavit.

To be presented to and approved by governor.

Letters patent.

To be recorded in office of secretary of commonwealth.

Abstract to be furnished auditor general.

To be recorded in recorder of deeds office.

From thenceforth the subscribers a corporation.

Certified copies of records and charters, evidence.

Fees of secretary of commonwealth.

#### LENGTH OF GRANT—POWER TO REVOKE.

Charters may be perpetual or limited.

Legislature may revoke.

SECTION 4. The charters for incorporations named in this act may be made perpetual, or may be limited in time by their own provisions; and the general assembly reserves the power to revoke or annul any charter of incorporation granted or accepted under the provisions of this act, whenever in the opinion of the said general assembly it may be injurious to the citizens of this commonwealth, in such manner, how-

ever, that no injustice shall be done to the corporators or their successors.

#### BY-LAWS.

SECTION 5. The by-laws of every corporation created under the provisions of this statute, or accepting the same, shall be deemed and taken to be its law, subordinate to this statute, the charter of the same, the constitution and laws of this commonwealth, and the constitution of the United States. They shall be made by the stockholders or members of the corporation, at a general meeting called for that purpose, unless the charter prescribes another body, or a different mode. They shall prescribe the time and place of meeting of the corporation, the powers and duties of its officials, and such other matters as may be pertinent and necessary for the business to be transacted, and may contain penalties for the breach thereof, not exceeding twenty dollars.

#### OFFICERS AND THEIR DUTIES.

The business of every corporation created hereunder, or accepting the same, shall be managed and conducted by a president, a board of directors or trustees, a clerk, a treasurer, and such other officers, agents and factors as the corporation authorizes for that purpose. The directors or trustees shall be chosen annually by the stockholders or members, at the time fixed by the by-laws, and shall hold their office until others are chosen and qualified in their stead; the manner of such choice and of the choice or appointment of all other agents and officers of the company, shall be prescribed by the by-laws. The number of directors or trustees shall not be less than three; one of them shall be chosen president by the directors, or by the members of the corporation, as the by-laws shall direct. The members of said corporation may, at a meeting to be called for that purpose, determine, fix or change the number of directors or trustees that shall thereafter govern its affairs; and a majority of the whole number of such directors or trustees shall be necessary to constitute a quorum. The clerk shall be sworn and shall record all the votes of the corporation, and the minutes of its transactions, in a book to be kept for that purpose. The treasurer shall give bond in such sum and with such sureties as shall be required by the by-laws, for the faithful discharge of his duties, and he shall keep the moneys of the corporation in a separate book account, to his credit as treasurer, and if he shall neglect or refuse so to do, he shall be liable to a penalty of fifty dollars for every day he shall fail to do so, to be recovered at the suit of any informer in an action of debt.

#### QUORUM OF STOCKHOLDERS.

SECTION 6. Every such corporation may determine, by its by-laws, what number of stockholders shall attend, either in person or by proxy, or what number of shares or amount of interest shall be represented at any meeting to constitute a quorum; if the quorum is not so determined, a majority in interest of the stockholders shall constitute a quorum.

## CERTIFICATES OF STOCK.

Certificates of stock.

SECTION 7. The directors of such corporation shall procure certificates or evidences of stock, and shall deliver them signed by the president, countersigned by the treasurer, and sealed with the common seal of the corporation, to each person or party entitled to receive the same, according to the number of shares by him, her or them respectively held, which certificates or evidences of stock shall be transferable at the pleasure of the holder, in person or by attorney duly authorized, as the by-laws may prescribe, subject, however, to all payments due, or to become due thereon; and the assignee or party to whom the same shall have been so transferred, shall be a member of said corporation, and have and enjoy all the immunities, privileges and franchises, and be subject to all the liabilities, conditions and penalties incident thereto, in the same manner as the original subscriber or holder would have been, but no certificate shall be transferred so long as the holder thereof is indebted to said company, unless the board of directors shall consent thereto.

Transfers.

## OATH OF OFFICERS HOLDING ELECTIONS.

Officers for holding elections to be sworn.

SECTION 8. No person acting as judge or officer holding an election for any such corporation, shall enter on the duties of his office or appointment until he take and subscribe an oath or affirmation before a judge, alderman, justice of the peace, or other person qualified by law to administer oaths, that he will discharge the duties of his office or appointment with fidelity, that he will not receive any vote but such as he verily believes to be legal; and if any such judge or officer shall, knowingly and wilfully, violate his oath or affirmation, he shall be subject to all the penalties imposed by law upon the officers of the general election of this commonwealth violating their duties, and shall be proceeded against in like manner, and with like effect; and if any election, as aforesaid, be held without the person holding the same having first taken an oath or affirmation, as aforesaid, or be invalid for any other reason, such election shall be set aside in the manner now provided by law, and a new election ordered by the court of common pleas of the proper county, upon the petition of not less than five stockholders supported by proof satisfactory to said court.

Penalty for violating oath.

Illegal election may be set aside, and new one ordered.

## VACANCIES.

Vacancies, how filled.

SECTION 9. In case of the death, removal, or resignation of the president or any of the directors, treasurer or other officer of any such company, the remaining directors may supply the vacancy thus created until the next election.

## CUMULATIVE VOTING.

Elections for directors, managers or trustees.

SECTION 10. In all elections for directors, managers or trustees of any corporation created under the provisions of this statute, or accepting its provisions, each member or stockholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer; that is to say, if the said member or stock-

holder own one share of stock, or has one vote, and is entitled to one vote for each of six directors, by virtue thereof, he may give one vote to each of said six directors, or six votes for any one thereof, or a less number of votes for any less number of directors, and in this manner may distribute or cumulate his votes as he may see fit; all elections for directors or trustees shall be by ballot, and every share of stock shall entitle the holder thereof to one vote, in person or by proxy, to be exercised as provided in this section.

## CAPITAL STOCK.

SECTION 11. The capital stock of every such corporation that has or requires a capital stock, shall consist of not more than one million dollars, and shall be divided into shares of not more than one hundred dollars each; and all subscriptions to the capital stock shall be paid in such instalments and at such times as the directors may require, and if default be made in any payment the person or persons in default shall be liable to pay, in addition to the amount so called for and unpaid, at the rate of one-half of one per centum per month for the delay of such payment, and the directors may cause suit to be brought for the recovery of the amount due, together with the penalty of one-half of one per centum per month, as aforesaid, or the directors may cause the stock to be sold in the manner provided in clause two of section thirty-nine of this act; and no stockholder shall be entitled to vote at any election, or at any meeting of the stockholders, on whose share or shares any instalments or arrearages may have been due and unpaid for the period of thirty days immediately preceding such election or meeting. The shares of the capital stock of every such company may be transferred on the books of the company, in person or by attorney, subject to such regulations as the by-laws may prescribe; but the provisions of this section shall not apply to corporations in which by this act different and other rules and provisions are enacted for their regulation and government.

SECTION 12. The stock of every corporation created under the provisions of this statute shall be deemed personal property; and no shares shall be transferable until all previous calls thereon shall have been fully paid in or shall have been declared forfeited for the non-payment of calls thereon; and every corporation may, from time to time, at a legal meeting called for the purpose, assess upon each share of stock such sums of money as the corporation may think proper, not exceeding in the whole the amount at which each share was originally limited; and such sums assessed shall be paid to the treasurer at such times and in such instalments as the corporation directs. No note or obligation given by a stockholder, whether secured by pledge or otherwise, shall be considered as payment of any part of the capital stock; and it shall not be lawful for any such corporation to use any of its funds in the purchase of any stock in any other corporation, or to hold the same, except as collateral security for a prior indebtedness, except as provided in section thirty-seven of this act.

Capital stock.

Payment of subscriptions.

Penalty for non-payment.

Stockholders in arrears not to vote.

Shares transferable.

Stock personal property.

Shares not transferable until calls thereon are paid, or the same forfeited.

Payment of assessments.

Holding of stock of other corporations.



Power to borrow money and secure indebtedness.

**SECTION 13.** It shall be lawful for all corporations to borrow money or to secure any indebtedness created by them, by issuing bonds, with or without coupons attached thereto, and to secure the same by a mortgage or mortgages to be given and executed to a trustee or trustees, for the use of the bondholders, upon their real estate and machinery, or on their real estate alone, to an amount not exceeding one-half of the capital stock of the corporation paid in, and at a rate of interest not exceeding six per centum; but this section shall not be construed to prevent mortgages for a greater amount and at a high rate of interest, where the power to make the same is expressly given by the terms of this statute to certain classes of corporations, or is contained in the charter of any private corporations accepting this act, or in the statutes under which certain other classes thereof are by the provisions of this statute to be controlled, governed and managed.

#### LIABILITY OF STOCKHOLDERS.

Individual liability of stockholders.

**SECTION 14.** The stockholders in each of said corporations shall be liable in their individual capacity, to the amount of stock held by each of them, for all work or labor done, or materials furnished, to carry on the operations of each of said corporations; but this section shall not be construed to increase or diminish the liability of stockholders in corporations, which by the terms of this statute, are to be governed, controlled and managed by the provisions of other statutes, but their liability shall be fixed and defined by the terms of the statutes by which said corporations are to be governed, controlled and managed.

Actions to enforce liabilities under act.

**SECTION 15.** In any action or bill in equity, brought to enforce any liability under the provisions of this act, the plaintiff may include as defendants, any one or more of the stockholders of such corporation, claimed to be liable therefor; and if judgment be given in favor of the plaintiff for his claim, or any part thereof, and any one or more of the stockholders so made defendants, shall be found to be liable, judgment shall be given against him or them. The execution upon such judgment shall be first levied on the property of such corporation, if to be found in the county where the chief business of the corporation is carried on, and in case such property, sufficient to satisfy the same, cannot be found in said county, the deficiency, or so much thereof as the stockholder or stockholders, defendants, in such judgment, shall be liable to pay, shall be collected of the property of such stockholder or stockholders; on the payment of any judgment as aforesaid, or any part thereof, by one or more stockholders, the stockholder or stockholders so paying the same shall be entitled to have such judgment, or so much thereof as may have been paid by him or them, assigned to him or them for his or their benefit, with power to enforce the same in manner aforesaid, first against the company, and in case the amount so paid by him or them shall not be collected of the property of the corporation, then ratably against the other

Executions on judgments obtained thereon.

Any stockholder paying judgment, to have the same assigned to him.

solvent stockholders, if any such there be, originally liable for the claim on which such judgment was obtained; but no stockholder shall be personally liable for payment of any debt contracted by any such corporation, unless suit for the collection of the same shall be brought against such stockholder or stockholders within six months after such debt shall have become due.

Limitation of individual liability.

#### PREFERRED STOCK.

SECTION 16. Every corporation created under the provisions of this act, or accepting its provisions, may, with the consent of a majority in interest of its stockholders, obtaining at a meeting to be called for that purpose, of which public notice shall be given during thirty days in a newspaper of the proper county, issue preferred stock of the corporation, the holders of which preferred stock shall be entitled to receive such dividends thereon as the board of directors of the corporation may prescribe, payable only out of the net earnings of the corporation.

Power to issue preferred stock.

#### PROPERTY MAY BE TAKEN FOR STOCK—DEFERRED STOCK.

SECTION 17. Every corporation created under the provisions of this act, or accepting its provisions, may take such real and personal estate, mineral rights, patent rights, and other property as is necessary for the purposes of its organization and business, and issue stock to the amount of the value thereof in payment thereof, and the stock so issued shall be declared and taken to be full paid stock, and not liable to any further calls or assessments; and in the charter, and the certificates and statements to be made by the subscribers and officers of the corporation, such stock shall not be stated or certified as having been issued for cash paid into the company, but shall be stated or certified in this respect according to the fact. No such corporation shall issue either bonds or stock except for money, labor done, or money or property actually received, and all fictitious increase of stock or indebtedness in any form shall be void; every such corporation may provide for the issue of deferred stock in payment for such real or personal estate or mineral rights, and if so provided, it shall be expressly stated in the charter filed, or in a certificate to be made and recorded, or in the acceptance of this statute to be filed by any corporation accepting its provisions, with the amount of such deferred stock, and the consideration of the same, and the terms on which the same shall be issued; and the said stock may be made to await payments of dividends thereon, until out of the net earnings at least five per cent. has been declared and paid upon the other full paid stock of the corporation.

Power to hold real estate and other property.

The fictitious increase of stock or bonds forbidden.

Deferred stock may be issued.

#### INCREASE OF CAPITAL STOCK.

SECTION 18. The capital stock or indebtedness of any corporation to be created under the provisions of this statute, or accepting its provisions, may be increased, from time to time, by the consent of the persons or bodies corporate holding the larger amount in value of the stock of such com-

Capital stock and indebtedness may be increased.

pany, to such amount as such corporation is by this act authorized to increase its capital stock or indebtedness, but such increase shall only be made for money, labor done, or money or property actually received.

#### ELECTION TO INCREASE CAPITAL.

- When increase is desired, meeting of stockholders to be called.** SECTION 19. That any such corporation desirous of increasing its capital stock or indebtedness as provided by this act, shall, by a resolution of its board of directors, call a meeting of its stockholders therefor, which meeting shall be held at its chief office or place of business in this commonwealth; and notice of the time, place and object of said meeting, shall be published once a week for sixty days prior to such meeting, in at least one newspaper published in the county, city or borough wherein such office or place of business is situate.
- Notice of meeting to be published.**
- Election of stockholders for and against increase to be taken.** SECTION 20. At the meeting called, pursuant to the nineteenth section of this act, an election of the stockholders of such corporation shall be taken for or against such increase, which shall be conducted by three judges, stockholders of said corporation, appointed by the board of directors to hold said election, and if one or more of said judges be absent, the judge or judges present shall appoint a judge or judges, who shall act in the place of the judge or judges absent, and who shall respectively take and subscribe an oath or affirmation before an officer authorized by law to administer the same, well and truly, and according to law, to conduct such election to the best of their ability; and the said judges shall decide upon the qualification of voters, and when the election is closed count the number of shares voted for and against such increase, and declare whether the persons or bodies corporate holding the larger amount of the stock of such corporation have consented to such increase, or refused to consent thereto, and shall make out duplicate returns of said election, stating the number of shares of stock that voted for such increase, and the number that voted against such increase, and subscribe and deliver the same to one of the chief officers of said company.
- How conducted.**
- Returns of election.**
- Ballots.** SECTION 21. Each ballot shall have endorsed thereon the number of shares thereby represented, and be signed by the holder thereof, or by the person holding a proxy therefor; but no share or shares transferred within sixty days shall entitle the holder or holders thereof to vote at such election or meeting, nor shall any proxy be received, or entitle the holder to vote, unless the same shall bear date and have been executed within three months next preceding such election or meeting; and it shall be the duty of such corporation to furnish the judges at said meeting with a statement of the amount of its capital stock, with the names of persons or bodies corporate holding the same, and number of shares by each respectively held, which statement shall be signed by one of the chief officers of such corporation, with an affidavit thereto annexed, that the same is true and correct to the best of his knowledge and belief.
- Shares transferred and proxies executed within certain time, not to entitle holders to vote.**
- Certain statement to be furnished judges of election.**

**SECTION 22.** That it shall be the duty of such corporation, if consent is given to such increase, to file in the office of the secretary of the commonwealth, within thirty days after such election or meeting, one of the copies of the return of such election provided for by the twentieth section of this act, with a copy of the resolution and notice calling same thereto annexed; and upon the increase of the capital stock or indebtedness of such corporation made pursuant thereto, it shall be the duty of the president or treasurer of such corporation, within thirty days thereafter, to make a return to the secretary of the commonwealth, under oath, of the amount of such increase and terms of the same, that is to say, the terms on which additional stock is issued; and in case of neglect or omission so to do, the corporation shall be subject to a penalty of five thousand dollars, which penalty shall be collected on an account settled by the auditor general and state treasurer, as accounts for taxes due the commonwealth are settled and collected; and the secretary of the commonwealth shall cause said returns to be recorded in a book to be kept for that purpose, and furnish a certified copy of the same to the auditor general, and the corporation shall have the right to recover the same from the officer neglecting or omitting to file the return as aforesaid.

If increase is consented to, return of election, &c., to be filed with secretary of commonwealth.

Amount of increase to be returned to him.

Penalty for neglect.

Returns to be recorded, &c.

#### CAPITAL STOCK MAY BE REDUCED.

**SECTION 23.** Any corporation created under the provisions of this act, and any corporation of the classes named in the second section hereof that is now in existence by virtue of any law of this commonwealth, may reduce its capital stock by a vote of its stockholders taken in the manner and under the regulations prescribed in the eighteenth, nineteenth, twentieth, twenty-first and twenty-second sections of this act.

Capital stock may be reduced.

#### LIMIT OF LIABILITIES.

**SECTION 24.** That the officers and stockholders of corporations organized under or accepting the provisions of this act shall not be individually liable for the debts of said corporation otherwise than in this provided.

Individual liability restricted.

#### CONSTRUCTION OF GRANT OF POWER.

**SECTION 25.** The incorporation of any association of persons for the purposes named in this act, or accepting the same, shall be held and taken to be of the same force and effect as if the powers and privileges conferred, and the duties enjoined, had been conferred and enjoined by special act of the legislature, and the franchises granted shall be construed according to the same rules of law and equity as if it had been created by special charter, and no modification or repeal of this act shall affect any franchise obtained under the provisions of the same.

Effect of incorporation for purposes named in act.

#### RETURN TO AUDITOR GENERAL.

**SECTION 26.** No corporation of the second class shall go into operation without first having the name of the institution or company, the date of incorporation, the place of busi-

Corporations of the second class not to go into operation until registered.

Penalty for neglect.

ness, the amount of capital paid in, and the names of the president and treasurer of the same registered in the office of the auditor general; and any such institution or company which shall neglect or refuse to comply with the provisions of this section, shall be subject to a penalty of five hundred dollars, which penalty shall be collected on an account settled by the auditor general and state treasurer, as taxes on capital stock are settled and collected.

#### CORPORATIONS ACCEPTING.

Existing corporations accepting constitution and act, entitled to privileges of act.

Corporations for any of the purposes named, and covered by the provisions of this act, heretofore created by any special act, or in existence under the provisions of any general law of this commonwealth, upon accepting the provisions of the constitution and of this act by writing under the seal of said corporation, duly filed in the office of the secretary of the commonwealth, shall be entitled to all of the privileges, immunities, franchises and powers conferred by this act upon corporations to be created under the same; and upon such acceptance and approval thereof by the governor, he shall issue letters patent to said corporation reciting the same.

Governor to issue letters patent to same.

#### INSURANCE OF DOMESTIC ANIMALS.

Powers of companies created for insurance of live stock.

SECTION 27. Companies incorporated under the provisions of this act for the insurance of the lives of domestic animals, or any of them, shall have the power and right to make insurance of every kind pertaining to or connected with life risks of domestic animals of any and every kind, and against the loss by death of all kinds of cattle, live stock, valuable beasts and domestic animals of every kind, whether such death be the result of accident, natural causes or diseases of any description whatever, and to make, execute and perfect such and so many contracts, agreements, policies and other instruments as may be required therefor.

#### LIFE AND ACCIDENT INSURANCE COMPANIES.

Powers of health, life and accident insurance companies.

SECTION 28. Companies incorporated under the provisions of this act for the insurance of human beings against sickness, death or personal injury, shall have the power and right to make insurances of every kind pertaining to or connected with death, accidents of every nature and kind to human beings, and to insurances of every kind against the death, sickness or the health of human beings by disease of every kind, and whether within this commonwealth or beyond it, and such corporations shall have the power and right to make, execute and perfect such and so many contracts, agreements, policies and other instruments as may be required therefor.

#### INSURANCE OF TITLES.

Powers of companies for insurance of owners of real estate, mortgages, &c.

SECTION 29. Companies incorporated under the provisions of this act for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens and incumbrances, shall have the

power and right to make insurances of every kind pertaining to or connected with titles to real estate, and shall have the power and right to make, execute and perfect such and so many contracts, agreements, policies and other instruments as may be required therefor.

#### ROAD COMPANIES.

SECTION 30. The charter of a road company shall also state— Charter of road companies, what to state.

I. The kind of road intended to be constructed.

II. The places from and to which the road is intended to be run.

III. The counties through which it is to pass and the estimated length of the road. All road companies incorporated under this statute shall, from the date of the letters patent creating the same, be governed, managed and controlled as follows, and shall be entitled to the benefits of all the general laws of this commonwealth regulating turnpike or plank roads:

*Clause 1.* The directors of such corporation shall have full power and authority to appoint, agree and contract with such engineers, superintendents, artists, laborers and other persons, as they may think necessary to make and construct such road, and collect the tolls hereinafter authorized, and fix their compensation, to ascertain the times, manner and proportions in which the stockholders shall pay the amount of their respective shares in order to carry on their work; to draw orders on the treasurer for all debts contracted by them, which orders shall be signed by the president, or in his absence by a majority of the directors, and attested by their clerk, and to do and transact all other acts, matters or things, as by the by-laws, orders and regulations of such corporations shall be entrusted to them. Powers of directors.

*Clause 2.* It may be lawful for the directors of such corporation, by and with their superintendents, engineers, artists, workmen, laborers, their tools and instruments, carts, wagons and other carriages, and beasts of draught or burden, to enter in and upon the lands contiguous and near to which the said road shall be made or constructed, first giving bond and proceeding as required by the forty-first section of this act. Any such corporation may change the location of any part of its road which may interfere with any graveyard or cemetery lot or lots. May enter upon lands. May change location so as to avoid graveyards.

*Clause 3.* The directors of every such corporation shall keep fair and just accounts, as well of all moneys received by them, as of those paid out and expended in the prosecution of the work, and shall, at least once in every year, submit their books and accounts to a general meeting of the stockholders. Accounts of receipts and expenditures.

*Clause 4.* The directors of such corporation shall have power to erect good and sufficient bridges over all the streams of water crossed by their road, whenever the same shall be found necessary, and shall cause a road, if a turnpike, to be laid out not exceeding fifty feet in width, and cause at least eighteen feet of said width, exclusive of gutters, ditches or Power to erect bridges. How turnpike roads to be laid out and constructed.

## Plank roads.

drains, to be made an artificial road of wood, stone, gravel or other proper and convenient materials, such as the nature of the ground may require, and will afford, to be constructed in such manner as will admit an even surface, and so nearly level in its progress that it shall in no place rise or fall more than will form an angle of four degrees from a horizontal line; and if a plank road, the same shall be opened of any width not exceeding forty feet, and shall be graded in such manner as may be necessary for either a single or double track, as may be determined upon by the directors of the said corporation, each track being not less than eight feet in width, and so nearly level in its progress that it shall in no place rise or fall more than will form an angle of three degrees with a horizontal line: *Provided*, That if any part of the ground on the route of said road shall be so hard and compact, as to make a good road without any covering of wood, gravel, stone, slate or other hard substance, the said directors are hereby authorized to construct such part of said road without any such covering, and shall forever maintain and keep the same in good repair: *Provided*, That said bridges shall not be constructed so as to obstruct the navigation of any stream declared a public highway.

When court to license, tolls to be taken.

*Clause 5.* Whenever such corporation shall have finished five miles or more of road, or if the entire road be for a shorter distance, then when completed, the court of quarter sessions, of the proper county, shall appoint forthwith three skillful judicious and disinterested persons to view and examine the same, and report on oath or affirmation, whether the said road is so far executed in a competent and workmanlike manner, according to the true intent and meaning of this act, and if their report shall be in the affirmative, then the said court shall by its order, under the seal of the court, permit and suffer said corporation to erect and fix such and so many gates upon and across the said road as will be necessary and sufficient to collect from all persons otherwise than on foot the same tolls as is herein authorized and granted.

## Rates of toll.

*Clause 6.* When such corporation is licensed in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive of and from all and every person or persons using the said road, the toll and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, coach, coaches, sulky, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled or any other carriage of burden or pleasure, from passing through the said gate, until they shall respectively have paid the same; that is to say, for every five miles in length of the said road, completed and licensed, as aforesaid, the following sums of money, and so in proportion for any lesser distance, or for any greater or lesser number of sheep, hogs or cattle, to wit: For every score of hogs, five cents; for every score of sheep, five cents; for every score of cattle, ten cents; for every horse and his rider, or led horse, three cents; for every sulky, chair or chaise, with one horse and two wheels, six cents; with two horses, nine cents; for every chariot, coach, phaeton or dear

born, with one horse and four wheels, ten cents; for every coach, phaeton or chaise, with two horses and four wheels, twelve cents; for either of the carriages last mentioned, with four horses, twenty cents; for every other carriage of pleasure, under whatever name it may go, the like sums according to the number of wheels and horses drawing the same; for every stage wagon with two horses, twelve cents; for every such wagon with four horses, twenty cents; for every sleigh, three cents for each horse drawing the same; and for every sled, two cents for each horse drawing the same; for every cart or wagon, whose wheels shall be less than four inches, four cents for each horse drawing the same; and for every cart or wagon, whose wheels shall be four inches, and not exceeding seven inches, two cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches, one cent for every horse drawing the same; and if any person or persons shall represent to the said company, or any of their officers, that he or she or they have traveled a less distance than he, she or they have actually traveled along said road, with intent to defraud said corporation of its toll or any part thereof, such person or persons shall, for every such offence, forfeit and pay to the use of said corporation the sum of five dollars; and if any toll-gatherer shall demand and receive toll for a greater distance than the person of whom such toll is demanded shall have traveled along said turnpike road or plank road, or shall demand and receive greater toll from any person or persons than such toll-gatherer is authorized to demand and receive, by virtue of this act, such toll-gatherer shall forfeit and pay the sum of five dollars for every such offence to the supervisors of the township in which the forfeiture is incurred, to be expended in repairing township roads, and for the payment of which the said company shall be responsible; and all such penalties and forfeitures shall be recoverable, with costs of suit, before any justice of the peace of the county in which the offence is committed: *Provided*, That no toll shall be demanded from any person or persons passing and re-passing from one part of his, her or their farm to any other part of the same; and all persons with their vehicles, or horses, going to or from funerals or places of public worship, or of military trainings or elections, shall be exempt from the payment of toll when traveling on such turnpike road.

Penalty for false representation.

For demanding illegal tolls.

Penalties, how recoverable.

Persons exempt from toll.

*Clause 7.* Justices of the peace shall be inspectors of roads within their township or borough, and whenever a complaint in writing, to any two justices of the same is made, that any part of a plank road or turnpike in their township or borough is out of repair, they shall, without delay, view and examine the road complained of; and if they find such complaint to be true, they shall give notice, in writing, of the defect to the toll-gatherer or person attending the gate nearest the place out of repair, and may, in their discretion, order such gate to be thrown open; but such justices shall not order such gate to be thrown open unless notice, in writing, has been served on the gate-keeper nearest the place out of

Justices of peace to be inspectors of road.

Their powers and duties on complaint made that road is out of repair.



repair, particularly describing such place at least three days previous to making such order. Notice of such order shall be served on such gate-keeper, and immediately thereafter the gate ordered to be thrown open shall be opened, nor shall it be again shut, nor shall any toll be collected thereat until the said two justices of the peace of the township or borough where such road out of repair is located, shall grant a certificate that such road is in sufficient repair, and that such gate ought to be closed. Whenever any part of such road is out of repair, and the gate nearest to the place out of repair is situated in an adjoining county, any two justices of the peace of the township or borough in such adjoining county, where such gate may be, upon complaint made to them, in writing, shall view and examine the road complained of, and proceed thereon as provided in like manner as if the portion of road complained of was within the township where such gate is situated. Whenever any toll-gate is ordered to be thrown open, as herein provided, or whenever such justices of the peace refuse to grant a certificate that the road complained of is in sufficient repair, the company owning such gate, or the gate-keeper attending the same in their behalf, may appeal from the order or decision of such justices to the court of common pleas of the county where such justices reside, by delivering a statement, in writing, of their order or decision and of such appeal, verified by affidavit, to the prothonotary thereof; and such appeal shall be placed at the head of the list for the next term of said court, and disposed of as to law and justice shall appertain, without declaration or plea. The said appeal shall not be a *superseatas* of the order to open the gate. If the court reverses the order or decision of the said justices, then such gate may be closed, but if it confirms the same, such gate shall not be closed until such justices of the peace grant a certificate that such road is in sufficient repair. Every keeper of a gate ordered to be thrown open who shall not immediately obey such order, or who shall not keep open such gate until a certificate permitting it to be closed shall be granted, or delay any person in passing, or take or demand any toll from any person passing, shall, for each offence, forfeit the sum of ten dollars to the party aggrieved. To each justice of the peace who shall view a plank or turnpike road, upon complaint made to him, shall be allowed the sum of two dollars and fifty cents for each day spent by him in the performance of such duty; and if the road viewed shall be adjudged out of repair, such fees shall be paid by the company to which the road shall belong, otherwise they shall be paid by the party making the complaint. Such fee, when payable by the company, shall be paid by the toll-gatherer nearest that of the road adjudged out of repair, on demand, and out of the tolls received or to be received by him, and may be recovered, with costs, of such toll-gatherer if he neglects or refuses to make such payment. The provisions of this section shall apply to all turnpike roads in existence in this commonwealth governed and controlled by general laws.

Appeal from order  
and decision of  
justices authorized.

Proceedings on ap-  
peal.

Penalty on gate  
keepers for dis-  
obeying justices  
orders, &c.

Fees of justices.

To apply to exist-  
ing turnpikes.

*Clause 8.* In all cases of complaint made or suit instituted under the provisions of this act against any corporation, if the complainant shall fail to sustain his complaint or the plaintiff to sustain his suit, as the case may be, the corporation shall be entitled to recover costs, as in other cases, from the complainant or plaintiff, as the case may be, and in all cases where any corporation, which may have been chartered under and subject to the provisions of this act, shall be adjudged to pay any penalty or the costs of any proceedings authorized by this act, the party plaintiff or complainant shall have all the remedies for recovering of the same, with costs, against the said corporation that are provided for the recovery of debts or judgments of like amount in other cases; and if the said corporation shall fail to make payment in any case within twenty days after final adjudication, the court of common pleas of the proper county, on application of the plaintiff, or some other person in his behalf, shall direct sequestration, and appoint a sequestrator, who shall have like powers and be subject to all the regulations and requirements provided in the seventy-third and seventy-fourth sections of an act of the general assembly of this commonwealth, entitled "An Act relating to executions," passed June sixteenth, one thousand eight hundred and thirty-six: *Provided*, That where the judgment is final before the justice, or is not appealed from as provided in this act, the complainant, before proceeding to sequestration, shall file in the court of common pleas of the proper county a transcript of the proceedings and judgment before the justice, which transcript shall be entered of record in the said court as under existing laws for the filing and entering of transcripts of judgments in other cases, and from such filing and entering shall have the effect of a judgment originally entered in the said court.

Penalties and costs,  
how recoverable.

When sequestrator  
may be appointed.

*Clause 9.* If any person or persons whosoever, owning, riding in or driving any sulky, chair, chaise, phaeton, cart, wagon, sleigh, sled, or other carriage of burden or pleasure, riding or leading any horse, or mule, or gelding, or driving any hogs, sheep or other cattle, shall therewith pass through any private gate or bars, or along or over any private passage way or other ground, near to or adjoining any gate erected, or which shall be erected in pursuance of this act, with an intent to defraud the company and avoid the payment of the toll or duty for passing through any such gate, or if any person or persons shall, with such intent, take off, or cause to be taken off, any horse, mare or gelding, or other cattle, from any sulky, chair, chaise, phaeton, cart, wagon, sleigh, sled, or other carriage of burden or pleasure, or practice any other fraudulent means or device with the intent that the payment of any such toll or duty may be evaded or lessened, all and every person or persons, in all and every or any of the ways or manners offending, shall, for every such offence, respectively forfeit and pay to the directors of such road, as the case may be, any sum not exceeding ten dollars, to be sued for and recovered with costs of suit before any justice of the peace in like manner, and subject to the same rules

Penalty for de-  
frauding company.

and regulations as debts of a similar amount are by law sued for and recovered.

Power to alter tolls reserved.

*Clause 10.* That the legislature shall have power to alter the rate of toll fixed by this act, and the directors of any such company may lessen the same whenever they shall believe it necessary for the well-being of the corporations or the community at large.

#### FERRIES AND BRIDGE COMPANIES.

What the charter of ferry or bridge company to state.

**SECTION 31.** The charter of a ferry or bridge company shall also state—

I. The stream over which the same is proposed to be erected.

II. The place and county or counties of its location.

III. Its distance from any other bridge or ferry over the same stream, which shall have been before that date incorporated, under the laws of this commonwealth.

Not to exercise franchises within 2,000 feet of another bridge or ferry.

No bridge or ferry company shall have the right to exercise its corporate franchises within three thousand feet of any other bridge or ferry in actual use, at the date of issuing letters patent to the new corporation, but nothing herein contained shall prevent the erection of bridges by municipalities as now provided by law.

How bridge companies to be governed.

All bridge companies incorporated under this statute, when not otherwise provided in this act, shall, from the date of the letters patent creating the same, be governed, managed and controlled as follows:

Power of directors to contract for lands.

*Clause 1.* That before the directors of any such corporation shall proceed to build any such bridge, it shall be lawful for them to contract with the owner or owners of any land for the purchase of so much thereof as shall be necessary, for the purpose of erecting and completing said bridge, and making all the necessary works and causeways to and from the same, if they can agree with the said owner or owners; but in case they cannot agree, proceedings shall be had, as provided in section forty-one of this act. The said bridge shall be so constructed as not to interfere with the free navigation of said creek or river.

Proceedings in cases of disagreement.

Navigation not to be interfered with.

Power to erect gates and receive tolls.

*Clause 2.* When the said corporation shall have erected and completed a bridge over any creek or river under the authority of this act, the property thereof shall be vested in the said corporation, and it shall have the power to erect gates, and to demand and receive tolls for crossing said bridge, at such rates as the president and directors thereof shall from time to time determine, not exceeding the rates following, namely: For every score of sheep or swine, eight cents; every score of horned or muley cattle, twenty-five cents; for every mule or horse driven or led, five cents; for every horse or mule, laden or unladen, with rider, five cents; for every two-wheeled vehicle, and one horse, six cents; the same with two horses, ten cents; for every four-wheeled vehicle with two horses, fifteen cents; for either of the last named vehicles, with four horses, twenty cents; for every foot passenger, two cents; and they shall cause to be put up and

Rates.

kept in some conspicuous place, at the gates of said bridge, a list of the rates of toll.

*Clause 3.* If the said corporation, or any person employed for it, shall collect or demand any greater rate or prices for passing over said bridge than what is prescribed in the list of tolls put up at the gate as aforesaid, or neglect to keep said bridge in repair, he or they shall forfeit for every such offence the sum of ten dollars, to be recovered as debts of a similar amount are recovered, one-half to be paid to the county, and the other half to the person who may sue for the same.

Penalty for demanding excessive tolls, or neglect to keep bridge in repair.

*Clause 4.* That said corporation shall keep a just account of all moneys received by their several collectors of tolls for crossing said bridge, and after deducting all contingent costs and charges, and such proportion of the income as may be sufficient for a fund to provide against the decay, the repairing and re-building of the said bridge that time and accident may render necessary, they shall semi-annually declare and make a dividend of the balance among the stockholders, first giving notice personally or by advertisement of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly in ten days thereafter, or as soon thereafter as the same shall be demanded.

Accounts to be kept.

Fund to be set apart for repairs, &c.

Dividenda.

*Clause 5.* If any person or persons shall wilfully pull down, break or destroy, with intent to injure any part or parts of the said bridges, or any toll-house, gates, bars or other property of the said corporation erected for the use of said bridges, or shall wilfully deform or destroy the letters or figures in any list of the rates of toll affixed in any place for the information of passengers, or shall wilfully or maliciously obstruct or impede the passage in or over the said bridges, or any part or parts thereof, he or she, or they so offending shall each of them forfeit and pay for each and every such offence to the said corporation the sum of ten dollars, to be recovered as other debts of a like amount are recoverable; and if any person shall be guilty of carrying any lighted segar or pipe, or of carrying fire in any manner whatsoever over said bridge, except in a lantern, or in some vessel secured, so that the probability of setting fire to said bridges shall be fully prevented, or shall discharge any pistol, or gun, or any fire-arms on or near said bridges, he, she or they so offending shall forfeit and pay to the said company the sum of five dollars each, with all other damages sustained to said bridges for every such offence, to be recovered as aforesaid; or if any person or persons shall evade the payment of any toll or duty for passing said bridges, or ride or drive his or their horse or horses on or over said bridge in a faster gait than a walk, he, she or they so offending shall forfeit and pay to the said corporation the sum of five dollars for every such offence, to be recovered in like manner as aforesaid; but no suit shall be brought for any of the aforesaid offences, unless commenced within thirty days after it shall be known who committed said offence, and he, she or they so offending shall remain liable to action at the suit of said corporation for

Punishment for wilfully destroying works.

Or obstructing passage.

Penalty for carrying fire over bridge.

Or discharging fire-arms near thereto.

Penalty for evading tolls.

Limitation of actions for penalties.

such wrongs, if the sums herein mentioned be not sufficient to repair and satisfy said damage.

Privileges to cease on neglect to prosecute work.

*Clause 6.* If any company incorporated under this law for the purpose of erecting any bridge as aforesaid, shall not proceed to carry on said work within the space of two years from the date of its letters patent, and shall not, within the space of five years thereafter complete the same, the rights and privileges thereby granted to the said corporation, shall revert to the commonwealth.

Powers of ferry companies.

**SECTION 32.** Any ferry company incorporated as aforesaid, shall have the right and power to erect and maintain a ferry, either of steam power or otherwise, across any of the streams of waters of this commonwealth, subject to the right of prior occupants within three thousand feet of the point at which the proposed ferry is to be located, and may take and receive such tolls and freights for the passage of persons, vehicles, animals and freight as may be appointed by them, subject to the approval of the court of quarter sessions of the proper county, which court is required to examine the toll-sheet submitted by any such corporation and approve the same, or lessen or increase the same as seems just and proper.

#### TELEGRAPH COMPANIES.

What the charter of a telegraph company to state.

**SECTION 33.** The charter for the incorporation of a company to maintain a telegraph line, shall, in addition to what is hereinbefore required, also state—

I. The general route of the line of telegraph.

II. The points to be connected.

Authority to construct lines of telegraph.

*Clause 1.* Such corporation shall be authorized, when incorporated as hereinbefore provided, to construct lines of telegraph along and upon any of the public roads, streets, lands or highways, or across any of the waters within the limits of this state, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, but the same shall not be so constructed as to incommode the public use of said roads, streets or highways, or injuriously interrupt the navigation of said waters; and this act shall not be so construed as to authorize the construction of a bridge across any of the waters of this state.

Proceedings in cases of failure to agree on damages.

*Clause 2.* In all cases where the parties cannot agree upon the amount of damages claimed, or by reason of the absence or legal incapacity of the owner or owners no such agreement can be made, for the right to enter upon lands or premises for the purposes named in this section, the company shall tender a bond, or have the same filed in the manner provided in the forty-first section of this act, and proceedings shall be had as therein set forth.

Right to connect with other lines.

*Clause 3.* The said telegraphic corporation shall have the right to connect its lines of telegraph with any other line operating within this state; and it shall be the duty of any corporation or person owning any other telegraph line doing business within this state, to permit such connection, and to receive dispatches from and for other telegraph lines and corporations, and from and for any individual, and on pay-

To receive and transmit dispatches.

ment of their usual charges to individuals for transmitting dispatches, as established by the rates and regulations of such telegraph line, to transmit the same with impartiality and good faith, under penalty of one hundred dollars for every neglect or refusal so to do, to be sued for as debts of like amount are by law recoverable, and to be recovered with costs of suit in the name and for the benefit of the person or persons sending or desiring to send such dispatch.

*Penalty for neglect.*

*Clause 4.* No such telegraph company shall be consolidated with or merged in any other company owning a competing line of telegraph, nor shall the stock or bonds of any such telegraph company, to an amount sufficient to control the same, be held or owned by any company owning a competing line of telegraph, nor shall any company owning a competing line acquire, by purchase or otherwise, any other competing line of telegraph.

*Companies owning competing lines, not to consolidate, &c.*

*Clause 5.* That the charge by all telegraph companies organized under this act, and those accepting the provisions thereof, for the transmission of any telegraphic dispatch, shall include the charge for the delivery thereof, and no extra or additional charge shall be made for such delivery.

*No extra charges for delivery of dispatches.*

#### WATER AND GAS COMPANIES.

SECTION 34. Companies incorporated under the provisions of this statute for the supply of water to the public, or for the manufacture and supply of gas, or the supply of light or heat to the public by any other means, shall, unless otherwise provided by this act, from the date of the letters patent creating the same, have the powers and be governed, managed and controlled as follows:

*Gas and water companies, and companies to supply light or heat, government of, &c.*

*Clause 1.* Where any such company shall be incorporated as a gas company, or company for the supply of heat or light to the public, it shall have authority to supply with gas light, the borough, town, city or district where it may be located, and such persons, partnerships and corporations residing therein, or adjacent thereto, as may desire the same, at such price as may be agreed upon, and also to make, erect and maintain therein the necessary buildings, machinery and apparatus for manufacturing gas, heat or light from coal or other material, and distributing the same, with the right to enter upon any public street, lane, alley or highway, for the purpose of laying down pipes, altering, inspecting and repairing the same, doing as little damage to said streets, lanes, alleys and highways, and impairing the free use thereof as little as possible, and subject to such regulations as the councils of said borough, town, city or district may adopt in regard to grades, or for the protection and convenience of public travel over the same.

*Powers of gas companies, or companies to supply light or heat.*

*Clause 2.* Where such company shall be incorporated for the supply of water, they shall have power to provide, erect and maintain all works and machinery necessary or proper for raising and introducing into the town, borough, city or district where they may be located, a sufficient supply of pure water, and for that purpose may provide, erect and maintain all proper buildings, cisterns, reservoirs, pipes and conduits,

*Powers of water companies.*

for the reception and conveyance of water; and they are authorized and empowered by themselves, their agents, engineers and workmen, and with their tools, carts, wagons, beasts of draught or burden, to enter upon such lands and enclosures, streets, lanes and alleys, roads, highways and bridges, as may be necessary to occupy, or to obtain materials for the construction of said works, and to occupy, ditch and lay pipes through the same, and the same from time to time to repair, subject to such regulations in regard to streets, roads, lanes and other highways, as is provided in the foregoing section for gas companies; and if any injury be done to private property, the said company shall make compensation therefor in the manner provided in the forty-first section of this act.

Compensation to be made for injuries to property.

Right to enjoy privileges in district covered by charter, to be exclusive.

When another company may be incorporated.

Court may hear and determine complaints of impurity, &c., of gas and water.

*Clause 3.* The right to have and enjoy the franchises and privileges of such incorporation within the district or locality covered by its charter shall be an exclusive one; and no other company shall be incorporated for that purpose until the said corporation shall have from its earnings realized and divided among its stockholders, during five years, a dividend equal to eight per centum per annum upon its capital stock: *Provided*, That the said corporations shall at all times furnish pure gas and water, and any citizen using the same may make complaint of impurity or deficiency in quantity, or both, to the court of common pleas of the proper county, by bill filed, and after hearing the parties touching the same, the said court shall have power to make such order in the premises as may seem just and equitable, and may dismiss the complaints or compel the corporation to correct the evil complained of.

#### STORAGE AND TRANSPORTATION OF WATER.

Water companies may agree for purchase of land, &c.

Proceedings in cases of disagreement.

Powers of companies organized for certain purposes.

How right to take lands, waters, &c., to be exercised.

Penalty for taking gas or water without authority.

*Clause 4.* Before any such water company shall proceed to occupy any land or enclosure, or to obtain and use any material therefrom for the purpose mentioned in this section, it shall be lawful for them to agree with the owner or owners thereof for the purchase of so much thereof as may be necessary, or as to the amount of injury sustained thereby; but in case they cannot agree, proceedings shall be had as provided in section forty-one of this act: *Provided*, That companies organized for any of the purposes set forth in the eighteenth clause of the second section of this act, and not having for their object the supplying of any village, borough or city with water, shall have all the rights, privileges and powers conferred by the said eighteenth clause; and the right to take lands, waters or rivulets shall be exercised in the manner provided in the forty-first section of this act.

*Clause 5.* If any person or persons shall open a communication into the water or gas main, or other pipe of said company, without authority from the inspector or other authorized agent of said company, or shall let on the water or gas, after either shall have been stopped by order of said inspector or authorized agent of said company for repairs or any other cause or purpose, or shall put up any hydrants, pipes or burners, in addition to those originally put up and inspected, and introduce into them water and gas, as the case may be,

without authority as aforesaid, he, she or they shall be subject to a penalty of not less than ten, nor more than one hundred dollars, recoverable before any alderman or justice of the peace of the proper county, as debts of like amount are by law recoverable, one-half to be paid to the informer, and one-half to the company. How recoverable.

*Clause 6.* If any person shall wilfully or maliciously do, or cause to be done, any act or acts whatever, whereby any building, construction, reservoir or works of said company, or any water or gas pipe, gas post, burner or reflector, or any matter or thing appertaining to the same shall be stopped or obstructed, injured, contaminated or destroyed, the person or persons so offending shall be considered guilty of a misdemeanor, and may therefor be indicted in the court of quarter sessions of the proper county, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or be imprisoned not exceeding one year, or both, at the discretion of the court: *Provided*, That such criminal prosecution shall not in any way impair the right of said company to a full compensation in damages by civil suit. Punishment for injuring works of the company.

*Clause 7.* It shall be lawful at any time after twenty years from the introduction of water or gas, as the case may be, into any place as aforesaid, for the town, borough, city or district into which the said company shall be located, to become the owners of said works, and the property of said company, by paying therefor the net cost of erecting and maintaining the same, with interest thereon, at the rate of ten per centum per annum, deducting from said interest all dividends theretofore declared: *Provided*, That nothing in this section contained shall authorize a company incorporated under the provisions of this act to construct gas or water works within the limits of any municipality, when gas or water works shall have been constructed by said municipality, without the lawful consent of the corporate authorities thereof: *And provided further*, That the court of common pleas of the proper county shall have jurisdiction and power upon the bill or petition of any citizen using the gas or water of any of said companies to hear, inquire and determine as to the charges thereof for gas or water so furnished, and to decree that the said bill be dismissed, or that the charges shall be decreased, as to the said court may seem just and equitable, and to enforce obedience to their decrees by the usual process. Municipal corporations may purchase works. When works not be constructed without consent of municipal authorities. Court may hear and determine as to charges for gas and water.

#### REAL ESTATE COMPANIES.

**SECTION 35.** The capital stock of corporations for the purchase and sale of real estate shall consist in the aggregate, at no time, of more than two hundred thousand dollars, and be divided into shares of fifty dollars each; the said corporations shall have the right to purchase real estate, and may improve the same and sell the same in such parts and parcels and on such terms as to time of payment as they may determine: *Provided*, That the quantity of real estate held at any one time in cities or boroughs, shall not exceed fifty acres, and outside thereof shall not exceed three thousand acres. Companies for purchase of real estate, capital stock of, &c.



## SAFE DEPOSIT COMPANIES.

Safe deposit companies, powers of.

By-laws to be posted in places of business.

And safe deposit companies shall have power to receive upon deposit for safe-keeping jewelry, plate, stocks, bonds, notes and valuable property of every kind, upon terms to be prescribed by the by-laws of such corporation, which by-laws shall, at all times, be posted up in the place or places of business of such corporations.

## HOTEL, BOARDING, OPERA AND MARKET HOUSES.

Hotel, boarding house, opera house and market house companies, powers of.

SECTION 36. Companies incorporated under the provisions of this act, or similar companies already incorporated and accepting the same, for the establishment and maintenance of an hotel or boarding house, or opera and market house, or both, or either, shall have the right and power to take, receive, hold and enjoy, either by conveyance, in fee simple, or for any less estate, or upon ground rent, or for both, all the lots of land, premises and appurtenances necessary to the successful maintenance and carrying on of such business; shall have the power to execute the necessary and proper covenant for securing the payment of ground rents on any of such lands and premises; shall have power to sell and convey, let or lease all or any parts of said lots or the tenements and buildings thereon erected, either for cash or on ground rent, or partly for cash and partly on ground rent; and shall have power to erect such buildings, fixtures and appurtenances, and procure such furniture and equipments as may be necessary for the success of its business; and the said corporations may borrow money in the manner provided in section thirteen of this act to an amount equal to the capital stock of the company paid up, and secure the same by mortgage upon the said lots, buildings and fixtures and appurtenances.

## BUILDING AND LOAN ASSOCIATIONS.

Building and loan associations, how to be governed, &c.

SECTION 37. Building and loan associations incorporated under the provisions of this act, shall have the powers, and from the date of the letters patent creating the same, when not otherwise provided in this act, be governed, managed and controlled as follows:

Powers of.

*Clause 1.* They shall have the power and franchise of loaning or advancing to the stockholders thereof the moneys accumulated from time to time, and the power and right to secure the re-payment of such moneys, and the performance of the other conditions upon which the loans are to be made, by bond and mortgage or other security, as well as the power and right to purchase or erect houses, and to sell, convey, lease or mortgage the same at pleasure to their stockholders or others for the benefit of their stockholders, in such manner, also, that the premiums taken by the said associations, for the preference or priority of such loans shall not be deemed usurious, and so, also, that in case of non-payment of instalments, premiums or interest by borrowing stockholders, for six months, payment of principal, premiums and interest, without deducting the premium paid, or interest

thereon, may be enforced by proceeding on their securities according to law.

*Clause 2.* The capital stock of any corporation created for such purposes by virtue of this act, shall at no time consist in the aggregate of more than one million dollars, to be divided into shares of such denomination, not exceeding five hundred dollars each, and in such number as the incorporators may, in the application for their charter, specify: *Provided*, That the capital stock may be issued in series, but no such series shall at any issue exceed in the aggregate five hundred thousand dollars, the instalments on which stock are to be paid at such time and place as the by-laws shall appoint; no periodical payment of such instalments to be made exceeding two dollars on each share, and said stock may be paid off and retired as the by-laws shall direct; every share of stock shall be subject to a lien for the payment of unpaid instalments and other charges incurred thereon under the provisions of the charter and by-laws, and the by-laws may prescribe the form and manner of enforcing such lien; new shares of stock may be issued in lieu of the shares withdrawn or forfeited; the stock may be issued in one or in successive series, in such amount as the board of directors or the stockholder may determine; and any stockholder wishing to withdraw from the said corporation, shall have power to do so by giving thirty days' notice of his or her intention to withdraw, when he or she shall be entitled to receive the amount paid in by him or her, less all fines and other charges; but after the expiration of one year from the issuing of the series, such stockholder shall be entitled, in addition thereto, to legal interest thereon: *Provided*, That at no time shall more than one-half of the funds in the treasury of the corporation be applicable to the demands of withdrawing stockholders without the consent of the board of directors, and that no stockholder shall be entitled to withdraw whose stock is held in pledge for security; upon the death of a stockholder, his or her legal representatives shall be entitled to receive the full amount paid in by him or her and legal interest thereon, first deducting all charges that may be due on the stock; no fines shall be charged to a deceased member's account from and after his or her decease, unless his legal representatives of such decedent assume the future payments on the stock.

*Clause 3.* That the number, titles, functions and compensation of the officers of any such corporation, their terms of office, the times of their elections, as well as the qualifications of electors, and the ratio and manner of voting, and the periodical meetings of the said corporation, shall be determined by the by-laws when not provided by this act.

*Clause 4.* That the said officers shall hold stated meetings, at which the money in the treasury, if over the amount fixed by charter as the full value of a share, shall be offered for loan in open meeting, and the stockholder who shall bid the highest premium for the preference or priority of loan, shall be entitled to receive a loan of not more than the amount fixed by charter as the full value of a share for each share

Capital stock.

Unpaid instalments to be a lien.

Withdrawal of stockholders.

Rights of personal representatives.

Officers.

Disposal of the funds.

Loans to stockholders.

of stock held by such stockholder: *Provided*, That a stockholder may borrow such fractional part of the amount fixed by charter as the full value of a share, as the by-laws may provide; good and ample security, as prescribed by the by-laws of the corporation, shall be given by the borrower to secure the re-payment of the loan; in case the borrower shall neglect to offer security, or shall offer security that is not approved by the board of directors, by such time as the by-laws may prescribe, he or she shall be charged with legal interest, together with any expenses incurred, and the loss in premium, if any, on a re-sale, and the money may be re-sold at the next stated meeting; in case of non-payment of instalments or interest by borrowing stockholders, for the space of six months, payment of principal and interest, without deducting the premium paid or interest thereon, may be enforced by proceeding on their securities according to law.

When payment to  
be enforced by pro-  
cess.

Re-payment of  
loans.

*Clause 5.* That a borrower may repay a loan at any time, and in case of the re-payment thereof, before the expiration of the eighth year, after the organization of the corporation, there shall be refunded to such borrower one-eighth of the premium paid for every year of the said eight years then unexpired: *Provided*, When the stock is issued in separate series the time shall be computed from the date of the issuing the series of stock on which the loan was made.

Premiums, fines  
and interest to be  
recoverable.

*Clause 6.* That no premiums, fines, or interest on such premiums, that may accrue to the said corporation, according to the provisions of this act, shall be deemed usurious, and the same may be collected as debts of like amount are now by law collected in this commonwealth.

Corporation not to  
be dissolved by  
omission to elect  
officers.

*Clause 7.* That no corporation or association created under this act shall cease or expire from neglect on the part of the corporators to elect officers at the time mentioned in their charter or by-laws, and all officers elected by such corporation shall hold their offices until their successors are duly elected.

May purchase and  
convey lands on  
which they have  
an incumbrance.

*Clause 8.* Any loan or building association incorporated by or under this act, is hereby authorized and empowered to purchase at any sheriff's or other judicial sale, or at any other sale, public or private, any real estate, upon which such association may have or hold any mortgage, judgment, lien, or other incumbrance, or ground rent, or in which said association may have an interest, and the real estate so purchased, or any other that such association may hold or be entitled to at the passage of this act, to sell, convey, lease, or mortgage at pleasure, to any person or persons whatsoever; and all sales of real estate heretofore made by such associations to any person or persons not members of the association so selling, are hereby confirmed and made valid.

Power to purchase  
and convey other  
lands.

*Clause 9.* All such corporations shall have full power to purchase lands and to sell and convey the same, or any part thereof, to their stockholders or others in fee simple, with or without the reservation of ground rents, but the quantity of land purchased by any one of said associations hereafter incorporated, shall not, in the whole, exceed fifty acres, and in all cases the lands shall be disposed of within ten years from

the date of the incorporation of such associations respectively.

*Clause 10.* That all land and building associations are hereby authorized to make sale of and assign or extinguish to any person or persons the ground rents created as aforesaid.

May assign ground rents.

#### IRON OR STEEL COMPANIES.

**SECTION 38.** Companies incorporated under the provisions of this act for the manufacture of iron or steel, or both, of any other metal, or of any article of commerce from wood or metal, or both, unless otherwise provided by this act, shall, from the date of the letters patent creating the same, have the powers and be governed, managed and controlled as follows:

Iron and steel companies, powers of, &c.

*Clause 1.* Every such corporation may, in the manner prescribed in this act, increase its capital stock to an amount not exceeding five million dollars, and shall have the right to purchase, lease, hold, mortgage and sell real estate and mineral rights, to prove and open mines, to mine and prepare for market, or for their own use and consumption, coal, iron ore and other minerals, and to erect and construct furnaces, forges, mills, foundries, manufactories and such other improvements and erections as they may deem necessary, and to manufacture iron and steel, or any other metal, or either thereof, in all shapes and forms, and either of these metals, exclusively or in combination with other metals, or with wood, and to transport all of said articles or any of them to market, and to dispose of the same, and do all such other acts and things as a successful and convenient prosecution of said business may require: *Provided*, They shall not at any one time have more than ten thousand acres of land within this commonwealth, including leased lands.

Right to increase capital stock, hold real estate, mine, manufacture, &c.

*Clause 2.* Every such corporation may make and issue bonds, with or without coupons attached, bearing interest not exceeding six per centum per annum, and sell, exchange or otherwise dispose of the same, upon such terms and conditions as they may deem advisable, and such bonds, and the interest thereon, may be secured by a mortgage or mortgages upon the corporate franchises, real and leasehold estate: *Provided*, They shall not issue bonds for a greater sum than three times the amount of their capital stock paid in.

May issue and dispose of bonds.

*Clause 3.* The president and directors of every such corporation shall annually lay before the stockholders a full and complete statement of the business and affairs of the corporation for the preceding year; and it shall also be their duty to make report to the auditor general, at such time and in such form as is or may be prescribed by law, of the operations of the corporation, to the end that he may ascertain the amount of tax due by said corporation to the commonwealth, and such report shall be verified by the oaths or affirmations of the president and treasurer of such corporation; and any such corporation which shall neglect or refuse to report to the auditor general, according to law, shall be liable to a penalty of five hundred dollars for the use of the common-

Annual statement to be laid before stockholders.

To make report to auditor general.

Penalty for neglect.

wealth, to be sued for and recovered as debts of like amount are or may be by law recoverable.

Power to appropriate streams.

*Clause 4.* It shall and may be lawful for any corporation, organized for the purposes named in this section, to appropriate any stream or streams, spring or springs, flowing for the purpose of supplying the same with stream or water owned by such corporation in the vicinity of their works, through or along or rising upon any lands belonging to and power, upon the said corporation filing in the office of the prothonotary of the court of common pleas of the county in which such works may be located, a draft or drafts showing the stream or streams, spring or springs, which may have been appropriated for the purposes aforesaid; whereupon it shall not be lawful for any other corporation or individual to divert or use the water of any stream or streams, spring or springs, thus appropriated, so as to diminish the usual accustomed and natural flow thereof: *Provided*, That every corporation thus appropriating any stream or streams, spring or springs, shall, after using the waters of the same for their manufacturing necessities, return the same into the usual and accustomed channel whereby the water of such stream or streams, spring or springs, have heretofore been accustomed to flow off or along the lands of such corporation.

Upon filing drafts, others prohibited from using streams.

Waters to be returned to their usual channel.

Effect of incorporation for purposes named in section.

*Clause 5.* The incorporation of any association of persons for the purposes named in this section shall be held and taken to be of the same force and effect as if the powers and privileges conferred and the duties enjoined had been conferred and enjoined by special act of the legislature, and the franchises granted shall be construed according to the same rules of law and equity as if it had been created by special charter, and no modification or repeal of this act shall affect any franchises obtained under the provisions of the same.

Corporations may hold stock and bonds.

*Clause 6.* That it shall and may be lawful for any incorporated company of this commonwealth, or elsewhere, to subscribe and take shares of stock in any company incorporated for the purposes named in this section of this act, or to purchase the bonds or stock, or guarantee the payment of said bonds and the interest thereon, or either principal or interest.

Or guarantee payment of bonds.

Majority of stock may be held by persons not citizens.

*Clause 7.* A majority of the stock of any such corporation may be held by persons who are not citizens of this state or of the United States. A majority of its directors may be citizens of another state, or of any foreign country; and it may have an office at any place without the state, at which the by-laws of the corporation may authorize the same meetings of stockholders and directors may be held, and any business of the corporation transacted, but it shall also keep an office within the county in which its principal business in this state is transacted, and an officer of the company there, upon whom service of process may be made; and the property and stock of such corporation shall be at all times liable to taxation under the laws of this commonwealth.

Majority of directors may be citizens of another state or country.

Offices.

Corporations heretofore created, entitled to privileges of act on accepting constitution.

Corporations for any of the purposes named in this section, heretofore created by any special or general law of this commonwealth, on accepting the provisions of the constitution,

shall be entitled to all the privileges and powers conferred by this act upon such corporations to be hereafter created.

*Clause 8.* That the stockholders of every company incorporated for the purposes named in this section shall only be individually liable for debts due to the laborers, mechanics, or clerks, for services, and in that case for no period exceeding six months. Individual liability of stockholders.

*Clause 9.* That all laws and parts of laws inconsistent with this section be and the same are hereby repealed, so far as they may relate to or affect any company incorporated under the provisions hereof, or the stockholders of any such company: *Provided*, This shall not apply to laws imposing taxes upon such corporations. Repealing clause.

#### MECHANICAL, MINING, QUARRYING, MANUFACTURING AND OTHER CORPORATIONS.

**SECTION 39.** Companies incorporated under the provisions of this act for the carrying on of any mechanical, mining, quarrying, manufacturing or other business, as provided in clause eighteen of the second class, in section two hereof, when not otherwise provided in this act, shall, from the date of the letters patent creating the same, have the powers, and be governed, managed and controlled as follows: Manufacturing companies, mining companies, &c., powers and government of.

*Clause 1.* That every such corporation may have a capital stock not exceeding five million dollars, and may by a vote of three-fourths of the general stockholders, at a meeting duly called for the purpose, issue two kinds of stock, namely: General stock and special stock; the special stock shall at no time exceed two-fifths of the actual capital of the corporation, and shall be subject to redemption at par, after a fixed time to be stated in the certificates. Holders of such special stock shall be entitled to receive, and the corporation shall be bound to pay thereon, a fixed or half yearly sum or dividend to be expressed in the certificates, not exceeding four per centum, and they shall in no event be liable for the debts of the corporation beyond their stock. Capital stock.

*Clause 2.* That if the proprietor of any share neglect to pay a sum duly assessed thereon, for the space of thirty days after the time appointed for payment, the treasurer of the company may sell by public auction a sufficient number of the shares to pay all assessments then due, with necessary and incidental charges thereon. The treasurer shall give notice of the time and place appointed for such sale, and of the sum on each share, by advertising the same three weeks successively before the sale in some newspaper published in said county; and a deed of the share so sold made by the treasurer, and acknowledged before a justice of the peace, and recorded by the clerk, who shall transfer said shares to the purchaser, who shall be entitled to a certificate therefor. How payment of assessments enforced.

*Clause 3.* The president and directors, with the treasurer and clerk of such companies, shall, after the payment of the last instalment of the capital stock, make a certificate stating the amount of the capital so fixed and paid in, which certificate shall be signed and sworn to by the president, treasurer, clerk, and a majority of the directors, and they shall Notice of sales.

Deed.

Certificate of payment of capital stock to be recorded.

cause the same to be recorded in the office of the recorder of deeds for said county.

Withdrawal of capital.

*Clause 4.* If any part of the capital stock of a company is withdrawn and refunded to the stockholders, before the payment of all the debts of the company contracted previously to the recording of a copy of the vote for that purpose in the office of the recorder of deeds, as prescribed in the preceding section, all the stockholders of the company shall be jointly and severally liable for the payment of such debts.

Directors to be individually liable for declaring dividend, which will render the company insolvent.

*Clause 5.* If the directors of any company declare any dividend when the company is insolvent, or the payment of which would render it insolvent, they shall be jointly and severally liable for all the debts of the company then existing, and for all thereafter contracted, so long as they respectively continue in office: *Provided*, That the amount for which they shall be liable shall not exceed the amount of such dividend, and if any of the directors are absent at the time of making the dividend or object thereto, at said time, and file their objections in writing with the clerk of the company, they shall be exempted from such liability.

Restriction of liabilities.

Directors to be liable for excess.

*Clause 6.* The whole amount of the debts which any such company at any time owes, shall not exceed the amount of its capital stock actually paid in, unless such debt be for unpaid purchase money for lands bought, which debt shall only be a lien upon and collectible from said land; and in case of any excess, the directors, under whose administration it occurs, shall be jointly and severally liable to the extent of such excess for all the debts of the company then existing, and for all that are contracted, so long as they respectively continue in office, and until the debts are reduced to the amount of the capital stock: *Provided*, That any of the directors who are absent at the time of contracting any debts, contrary to the foregoing provisions, or who object thereto, may exempt themselves from liability by forthwith giving notice of the facts to the stockholders, at a meeting which they may call for that purpose. If any certificate made, or any statement or notice given by the officers of a company, under the provisions of this act, is false in any material representation, all the officers who signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the company contracted while they were officers or stockholders thereof.

Liability for making false certificates, &c.

Power to hold real and personal estate.

*Clause 7.* Such corporation may, in its corporate name, take, hold and convey such real and personal estate as is necessary for the purpose of its organization, may carry on its business, or so much thereof as is convenient, beyond the limits of the commonwealth, and may there hold any real or personal estate necessary for conducting the same.

Annual certificates to be filed with recorder.

*Clause 8.* Every such corporation shall, annually, in September, make, and the president, treasurer and a majority of the directors, shall sign, swear to and deposit with the recorder of deeds for said county, a certificate stating the amount of capital stock paid in, the names and number of shares held by each stockholder, the amount invested in real estate and in personal estate, the amount of property owned

and debts due to the corporation, on the first day of August next preceding the date of such certificates, and the amount, as nearly as can be ascertained, of existing demands against the corporation at the date of the certificate.

*Clause 9.* When the officers of such corporation have failed to perform the duties prescribed in this act, as to making certificates, the certificates therein mentioned may be made and filed at any time after such failure; and such officers shall not be personally liable for debts of the corporation contracted after the requisitions of this act have been complied with.

Failure to file certificates, how renewed, and effect thereof.

*Clause 10.* Process shall be served upon such corporations in the same manner as is now directed by law with regard to other corporations. The court of common pleas of the proper county shall have the same power to dissolve such corporation, upon petitions filed under the corporate seal, which it now has with regard to other corporations. When special stock is created by any corporation, under this act, the general stockholders shall be liable for all debts and contracts until the special stock is fully redeemed.

Service of process.

Dissolution.

Liability of general stockholders.

*Clause 11.* The stockholders of any and all corporations, under this act, shall be personally liable for all sums of money due to laborers, clerks and operatives, for services rendered within six months before demand made upon the corporation, and its neglect or refusal to make payment; and when judgment is obtained against any corporation for wages or labor due to an amount not exceeding two hundred dollars, said corporation shall not be entitled to stay of execution.

Individual liability to laborers, &c.

When not entitled to stay of execution.

*Clause 12.* Any such corporation may, from time to time, acquire and dispose of real estate, and may construct, have or otherwise dispose of dwellings and other buildings; but no power to sell or release the real estate of such corporation shall be exercised by the directors thereof, unless such power be expressly given in the certificates originally filed, without a consent of a majority of the stock in value consenting and agreeing to such sale or lease before making the same, which consent shall be obtained at a meeting of the stockholders to be held for that purpose, of which meeting thirty days' notice shall be given in one of the newspapers of the proper county, and such consent shall be evidenced only by the written signatures of said stockholders.

Power to acquire and dispose of real estate, &c.

#### RE-CHARTERING CORPORATIONS.

**SECTION 40.** Corporations created by or under the laws of this state, embraced within either of the classes named in section two of this act, the charters whereof are about to expire by lapse of time from their own limitation, may be re-chartered, or the charters thereof renewed, under the provisions of this act, by preparing, having approved and recorded the certificate named in said section for the class of corporation of which the same is one, in addition to the requirements provided in this act for a new corporation; the certificate for a re-charter shall state the fact that it is a renewal of the former charter, naming the corporation and the date of its first charter. It shall also be accompanied with

Renewal of charter how effected.



a certificate, under the seal of the corporation, showing the consent of at least a majority in interest of such corporation to such re-charter. It shall also state the financial condition of the said corporation at the date of such certificate, showing capital stock paid in, funded debt, floating debt, estimated value of property and cash assets, if any. It shall expressly accept the provisions of the constitution of this state and of this act, and expressly surrender all privileges conferred upon such corporation by its original charter that are not enjoyed by corporations of its class under this act or general laws of this commonwealth. From the date of recording of such certificate, if the corporation be of the first class named in section two of this act, and from the date of letters patent, if of the second class, the said re-chartered corporation shall be and exist as a new corporation under the provisions of this act and of its said renewed charter; and all of the rights, privileges, powers, immunities, lands, property and assets, of whatever kind or character the same may be, possessed and owned by the said original corporation, shall vest in and be owned and enjoyed by the said re-chartered corporation, as fully and with like effect as if its original charter had not expired, save as herein and by said certificate expressly stated otherwise; and all suits, claims and demands by said corporations in existence at the date of such re-charter, shall and may be sued, prosecuted and collected, under the laws governing the said corporation prior to its re-charter, and all claims and demands of every nature and character in existence at said re-charter, may be collected from and off the said re-chartered corporation, as fully and with like effect as if no change had taken place

When renewal to date from.

Rights, privileges, &c., of original corporation, to rest in re-chartered one.

Suits, claims, &c., in existence at date of re-charter, how prosecuted.

#### ASSESSMENT OF DAMAGES.

How damages for lands, &c., taken by corporations, to be assessed.

SECTION 41. That in all cases in which, under the provisions of this act, any corporation is permitted to take waters, streams, lands, property, materials or franchises for the public purposes thereof, and the said corporation cannot agree with the owner or owners of any such waters, streams, lands, materials or franchises, for the compensation proper for the damage done or likely to be done to or sustained by any such owner or owners of such waters, streams, land or materials, which such corporation may enter upon, use or take away, in pursuance of the authority herein given, or by reason of the absence or legal incapacity of any such owner or owners, no such compensation can be agreed upon, the court of common pleas of the proper county, on application thereto, by petition, either by said corporation or by the owner or owners or any one in behalf of either, shall appoint five discreet and disinterested freeholders of the proper county, and appoint a time not less than ten nor more than twenty days thereafter, for said viewers to meet at or upon the premises where the damages are alleged to be sustained, or the property taken, of which time and place five days' notice shall be given by the petitioner to the said viewers and the other party; and the said viewers, or any three of them, having

Viewers to be appointed.

been first duly sworn or affirmed faithfully, justly and impartially to decide and true report to make concerning all matters and things to be submitted to them, and in relation to which they are authorized to inquire in pursuance of the provisions of this act, and having viewed the premises, they shall estimate and determine the quantity, quality and value of said lands, streams or property so taken or occupied, or to be taken or occupied, or the materials so used or taken away, as the case may be, and having a due regard to and making just allowance for the advantages which may have resulted, or which may seem likely to result to the owner or owners of said streams, land or materials, in consequence of the making the improvements or conducting the operations of such corporation or of the construction of works for which the property is to be taken; and after having made a fair and just comparison of said advantages and disadvantages, they shall estimate and determine whether any, and if any, what amount of damages has been or may be sustained, and to whom payable, and make report thereof to the said court; and if any damages be awarded, and the report be confirmed by the said court, judgment shall be entered thereon; and if the amount thereof be not paid within thirty days after the entry of such judgment, execution may then issue thereon, as in other cases of debt, for the sum so awarded, and the costs and expenses incurred shall be defrayed by the said corporation; and each of the said viewers shall be entitled to one dollar and fifty cents per day for every day necessarily employed in the performance of the duties herein prescribed, to be paid by such corporation.

Their duties.

Judgment to be entered on award of damages.

And execution to issue.

Fees of viewers.

In all cases where the parties cannot agree upon the amount of damages claimed, or by reason of the absence or legal incapacity of such owner or owners no such agreement can be made, either for lands, streams, water, water-rights, franchises or materials, the corporation shall tender a bond with at least two sufficient sureties to the party claiming or entitled to any damages, or to the attorney or agent of any person absent, or to be guardian or committee of any one under legal incapacity, the condition of which shall be that the said corporation will pay, or cause to be paid, such amount of damages as the party shall be entitled to receive after the same shall have been agreed upon by the parties, or assessed in the manner provided for by this act: *Provided*, That in case the party or parties claiming damages refuse or do not accept the bond as tendered, the said corporation shall then give the party a written notice of the time when the same will be presented for filing in court, and thereafter the said corporation may present said bond to the court of common pleas of the county where the lands, streams, water or materials are, and if approved the bond shall be filed in said court for the benefit of those interested, and recovery may be had thereon for the amount of damages assessed, if the same be not paid or cannot be made by execution on the judgment in the issue formed to try the question.

Company may tender security for damages to be incurred.

Proceedings on refusal to accept security tendered.

The viewers provided for in this section may be appointed before or after the entry for constructing said work or taking

When viewers may be appointed.

Appeals, and proceedings thereon.

materials therefor, and after the filing of the bond hereinbefore provided for; and upon the report of said viewers, or any four of them, being filed in said court, either party, within thirty days thereafter, may file his, her or their appeal from said report to said court. After such appeal either party may put the cause at issue in the form directed by said court, and the same shall then be tried by said court and a jury, and after final judgment, either party may have a writ of error thereto from the supreme court, in the manner prescribed in other cases; the said court shall have power to order what notices shall be given connected with any part of the proceedings, and may make all such orders connected with the same as may be deemed requisite. If any exceptions be filed with any appeal to the proceedings, they shall be speedily disposed of; and if allowed, a new view shall be ordered; and if disallowed, the appeal shall proceed as before provided.

#### AMENDMENTS TO CHARTERS.

How charters of religious corporations, and of colleges and universities, may be amended.

SECTION 42. As often as the corporations named in the first class specified in the second section of this act, including all such corporations now in existence, and colleges and universities, shall be desirous of improving, amending or altering the articles and conditions of their charter, it shall and may be lawful for such corporations respectively, in like manner, to specify the improvements, amendments or alterations which are or shall be desired, and exhibit the same to the court of common pleas of the proper county in which said corporation is situated, as aforesaid, when, if said court shall be of opinion such alterations are or will be lawful and beneficial and do not conflict with the requirements of this statute or of the constitution, it shall be the duty of said court to direct notice to be given as provided in the third section of this act, of such application, and after decree made and such amendments are recorded, the same shall be deemed and taken to be a part of the charter of the said corporation.

#### CORPORATION STORES.

Mining, manufacturing and quarrying companies, to be confined to purposes for which created.

Not to buy or sell merchandise, other than specified in charter.

Not to withhold wages of operatives for merchandise furnished them.

SECTION 43. Every manufacturing, mining or quarrying company incorporated under the provisions of this act shall be confined exclusively to the purposes of its creation, as specified in its charter, and no such company shall manufacture or sell any commodity or articles of merchandise other than those therein specified. No such company shall engage in, nor shall it permit any of its employees or officials to engage in the buying or selling upon the lands possessed by it of any wares, goods or commodities or merchandise, other than those specified in their charter or necessary for the manufacture of the same. No such company shall permit to be withheld or authorize or direct the withholding of wages due any of its operatives or employees by reason of the sale or furnishing of goods, wares or merchandise by any person to such operatives or employees, unless the same be withheld by reason of and in obedience to due process of law; but nothing herein contained shall prohibit any such company

from supplying to its employees oil, powder and other articles and implements necessary for or used in mining.

#### BONUS.

**SECTION 44.** Every company incorporated by or under the provisions of this act, or accepting the same, except turnpike, bridge, cemetery companies, or building and loan associations, and excepting all of those corporations named in the first class of section two of this act, shall pay to the state treasurer, for the use of the commonwealth, a bonus of one-quarter of one per centum upon the amount of the capital stock which said company is authorized to have, in two equal instalments, and a like bonus upon any subsequent increase thereof. The first instalment shall be due and payable upon the incorporation of said company, or upon the increase of the capital thereof, and the second instalment one year thereafter; and no company as aforesaid shall have or exercise any corporate powers until the first instalment of said bonus is paid, and the governor shall not issue letters patent to any company until he is satisfied that the first instalment of said bonus has been paid to the state treasurer; and no company incorporated as aforesaid shall go into operation, or exercise any corporate powers or privileges until said first instalment or bonus has been paid as aforesaid.

Bonus on capital stock of corporations.

When due and payable.

Not to have corporate powers until first instalment is paid.

**SECTION 45.** That it shall be the duty of the secretary of the commonwealth to prepare and publish, with every edition of the pamphlet laws, a certified list of all charters of incorporation filed in his office, and incorporated under the provisions of this act, stating the style, title, purpose and location of every such corporation, and he shall prepare and publish a complete alphabetical index to the same.

Secretary of commonwealth to publish list of charters with pamphlet laws.

**SECTION 46.** That from and after the passage of this act, the acts of the general assembly, entitled "An Act to encourage manufacturing operations in this commonwealth," approved April seventh, one thousand eight hundred and forty-nine; "An Act to enable joint tenants, tenants in common and adjoining owners of mineral lands in this commonwealth, to manage and develop the same," approved April twenty-first, one thousand eight hundred and fifty-four; "An Act relating to corporations for mechanical, manufacturing, mining and quarrying purposes," approved July eighteenth, one thousand eight hundred and sixty-three; "An Act to provide for the incorporation of iron and steel manufacturing companies," approved March twenty-first, one thousand eight hundred and seventy-three, and the several supplements to each of said acts, be and the same are hereby repealed, so far as they provide for the creation of corporations for any of the purposes provided for by this act, or are inconsistent with this act.

Repeal.

APPROVED—The 29th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 33.

## AN ACT

To prohibit foreign corporations from doing business in Pennsylvania, without having known places of business and authorized agents.

Foreign corporations not to do business in state without offices and agents.

SECTION 1. *Be it enacted, &c.,* That from and after the passage of this act, no foreign corporation shall do any business in this commonwealth, until said corporation shall have established an office or offices and appointed an agent or agents for the transaction of its business therein.

To file statement with secretary of commonwealth.

SECTION 2. It shall not be lawful for any such corporation to do any business in this commonwealth, until it shall have filed in the office of the secretary of the commonwealth a statement, under the seal of said corporation, and signed by the president or secretary thereof, showing the title and object of said corporation, the location of its office or offices, and the name or names of its authorized agent or agents therein; and the certificate of the secretary of the commonwealth, under the seal of the commonwealth, of the filing of such statement, shall be preserved for public inspection by each of said agents, in each and every of said offices.

What statement to show.

Certificate of filing to be preserved for inspection.

Punishment for non-compliance with act.

SECTION 3. Any person or persons, agent, officer or employee of any such foreign corporation, who shall transact any business within this commonwealth for any such foreign corporation, without the provisions of this act being complied with, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment not exceeding thirty days, and by fine not exceeding one thousand dollars, or either, at the discretion of the court trying the same.

APPROVED—The 22d day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 34.

## AN ACT

Authorizing the purchase of ground for and the construction of a state arsenal, and also for the abandonment of the state arsenal now located on the capital grounds.

Purchase of land and erection of arsenal, authorized.

SECTION 1. *Be it enacted, &c.,* That the governor, state treasurer and adjutant general are hereby fully authorized and empowered to purchase five (5) acres of land in the vicinity of the city of Harrisburg, and cause to be erected thereon, without delay, an arsenal securely constructed of the best material, and sufficiently large for the necessities of the state, and when completed to cause to be removed thereto the contents of the present arsenal: *Provided,* That the title to the real estate purchased under the provisions of this act shall be first examined and approved by the attorney general before the deed is delivered to the commonwealth.

SECTION 2. That upon the completion of said building the present building be sold at public auction, and the proceeds thereof be paid into the state treasury.

Present building to be sold.

SECTION 3. That all expenses incurred and payments made under the provisions herein contained, shall be paid out of any money in the treasury not otherwise appropriated, upon warrants of the governor on the state treasurer, after such accounts and expenditures have been duly audited, examined and approved by the governor, the state treasurer and the adjutant general: *Provided*, That the cost of constructing said arsenal, and the real estate purchased for its erection, shall not exceed the sum of (\$40,000) forty thousand dollars, and the cost of the said real estate shall not be more than the sum of five thousand dollars thereof.

How expenses incurred to be paid.

Cost limited.

APPROVED—The 22d day of April, A. D. 1874.

J. F. HARTRANFT.

### No. 35.

### AN ACT

To provide for the submission of civil cases to the decision of the court, and to dispense with trial by jury.

SECTION 1. *Be it enacted, &c.*, That in any civil case now pending in any of the courts of this commonwealth, or hereafter to be commenced, after issue joined, the parties thereto, excepting those acting in a fiduciary capacity, may, by agreement filed in the proper office where such suit is pending, dispense with trial by jury, and submit the decision of such cases to the court having jurisdiction thereof; and such court shall hear and determine the same, and the judgment shall be subject to writ of error or of appeal as in other cases at law or in equity, at the option of either party.

Jury trials may be dispensed with by agreement filed, and cases submitted to court.

Judgment subject to writ of error or appeal.

SECTION 2. The decision of the court shall be in writing, stating separately and distinctly the facts found, the answers to any points submitted in writing by counsel and the conclusions of law, and shall be filed in the office of the prothonotary or clerk of the proper court where the case is pending, as early as practicable, not exceeding sixty days after such decision shall have been made from the termination of the trial, and notice thereof shall be forthwith given by the prothonotary or clerk to the parties or their attorneys, and if no exceptions thereto are filed in the proper office within thirty days after service of such notice judgment shall be entered thereon by the prothonotary or clerk; if exceptions to the findings of facts or conclusions of law be filed within said thirty days, the court or the judge thereof who tried the case in vacation, may, upon argument, order judgment to be entered according to the decision previously filed, or make such modifications thereof as in justice and right shall seem proper, subject always, nevertheless, to review by writ of error or appeal in the supreme court; such writ of error or appeal to be taken in the time and manner and with the effect prescribed by law.

Decision to be in writing, stating facts, &c.

To be filed with prothonotary or clerk.

Notice to be given parties.

When judgment to be entered thereon.

Exceptions.

How cases taken to  
supreme court to  
be heard and deter-  
mined.

New trials.

Agreement a  
waiver of jury trial.

Costs.

**SECTION 3.** Every such case taken to the supreme court upon writ of error shall be heard and determined therein as writs of error are therein heard and determined; and every such case taken to the supreme court by appeal shall be heard and determined therein as cases of appeal in equity proceedings; and in case a new trial is ordered it shall be proceeded with before the same court in the same manner as hereinbefore provided for.

**SECTION 4.** An agreement to submit under this act shall be a waiver of the right of trial by jury.

**SECTION 5.** Cases submitted under the provisions of this act shall be subject to existing law as to costs, except no jury fee shall be required on entering judgment.

APPROVED—The 22d day of April, A. D. 1874.

J. F. HARTRANFT.

### No. 36.

### AN ACT

To enable the officers of dissolved corporations to convey real estate held by such corporations.

**SECTION 1.** *Be it enacted, &c.,* That whensoever it has occurred or shall happen that any corporation has been or shall be dissolved, owning lands or other real estate in this commonwealth at the time of dissolution, whether by decree of court or expiration of time, or otherwise, it shall be lawful for the officers last in office, if in life, or any trustee to be appointed for the purpose by the court of common pleas of the county where the real estate is or shall be located, on the petition to such court by majority in amount and value of all the shareholders or corporators, and upon giving security in double the probable value of the real estate to be sold, (said security to be approved by the court,) together with such notice as the court may require to be given to all not represented by petition or answer by actual service or advertisement, to make conveyance of such real estate in absolute fee simple under such decree as the said court may make for the sale, either public or private; and the proceeds of sale shall be applied or distributed by the party or parties so making sale as part of the effects of the defunct corporation to creditors or shareholders, as the said court may judge them to be entitled; and if such corporation had made sale of real estate, and had not conveyed the same, such court may decree conveyance in specific execution of such contract in manner aforesaid.

APPROVED—The 20th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 37.

## AN ACT

Making appropriations for the support of the Pennsylvania Institution for the deaf and dumb, and for repairing, building and curbing and paving required by city ordinance.

SECTION 1. *Be it enacted, &c.*, That the following sums be and the same are hereby specifically appropriated to the Pennsylvania Institution for the deaf and dumb, for the year commencing on the first day of June, one thousand eight hundred and seventy-four, to be paid out of any money in the treasury not otherwise appropriated:

For the education, clothing and subsistence of the deaf and dumb, the sum of two hundred and seventy dollars per annum for every deaf mute of the commonwealth taught at said institution, to be paid semi-annually on the warrant of the governor in favor of the president of the institution, the evidence of which shall be furnished to the state treasurer: *Provided*, That the amount drawn from the treasury for said purpose shall not exceed fifty-six thousand seven hundred dollars.

For new roofs on building and for curbing and paving required by city ordinance, three thousand four hundred dollars.

APPROVED—The 24th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 38.

## AN ACT

Making appropriations for the support of the Pennsylvania Institution for the instruction of the blind, and for deficiency in erection and furnishing new extension.

SECTION 1. *Be it enacted, &c.*, That the following sums be and the same are hereby specifically appropriated to the Pennsylvania Institution for the instruction of the blind, for the year commencing on the first day of June, one thousand eight hundred and seventy-four, to be paid out of any moneys in the treasury not otherwise appropriated.

For the maintenance of one hundred and thirty pupils, the sum of thirty-nine thousand dollars, to be paid in proportion to the number of indigent pupils from the several counties of the commonwealth, at the rate of three hundred dollars for each pupil, the evidence of which to be furnished to the state treasurer.

For deficiency in the erection and furnishing new extension, eleven thousand four hundred sixteen dollars and seventy-eight cents.

APPROVED—The 24th day of April, A. D. 1874.

J. F. HARTRANFT.



No. 39.

## AN ACT.

Making an appropriation for the support of the Pennsylvania Training School for Feeble-Minded Children at Media.

SECTION 1. *Be it enacted, &c.,* That the sum of twenty-three thousand dollars be and the same is hereby specifically appropriated to the Pennsylvania Training School for Feeble-Minded Children for the year commencing on the first day of June, one thousand eight hundred and seventy-four, to be paid out of any moneys in the treasury not otherwise appropriated, for the maintenance and training of one hundred pupils: *Provided,* That each representative district in the commonwealth shall be entitled to send the number of persons to said institute that they are entitled to members on the floor of the house of representatives: *Provided,* That so long as applications in behalf of indigent feeble-minded children are pending for admission to said training school, no additional paying patients shall be received.

APPROVED—The 24th day of April, A. D. 1874.

J. F. HARTRANFT.

No. 40.

## AN ACT

To authorize and require the auditors to publish an annual statement of the receipts and expenditures of road commissioners, supervisors, overseers of the poor, and school directors of the several townships and boroughs within this commonwealth, and to designate a day to audit, settle and adjust township and borough accounts.

SECTION 1. *Be it enacted, &c.,* That the auditors of the several townships and boroughs within this commonwealth shall meet annually on the first Monday of June, and often-er, if necessary, and shall audit, settle and adjust the accounts of the supervisors, road commissioners, school, borough and township treasurers, as may by law be referred to them.

SECTION 2. That the auditors of the several townships and boroughs within this commonwealth are hereby authorized and required to publish, by posting handbills, either printed or written, in at least five public places within their respective townships or boroughs, an itemized annual statement of the receipts and expenditures of the borough councils, road commissioners, supervisors, overseers of the poor and school directors for the year preceding the annual settlement for their respective districts; said handbills to be posted within ten days after such settlement; and further, it shall be the duty of said auditors to file a copy of the same with the town clerk in their respective districts, and also with the clerk of

Auditors to settle accounts of supervisors and other officers annually.

To publish statement of receipts and expenditures.

To file copy with town clerk and clerk of quarter sessions.

the court of quarter sessions, which shall be at all times subject to inspection by any citizen thereof: *Provided*, That where any two of said offices shall be exercised by the same persons only one statement shall be required: *Also provided*, That nothing in this act shall be construed to interfere with the present law which requires annual statements of the receipts and expenditures of the borough councils, road commissioners, supervisors, overseers of the poor and school directors to be advertised in the daily and weekly newspapers published in the respective localities.

SECTION 3. In case of neglect or refusal to comply with the provisions of this act, the auditors so neglecting or refusing shall each pay a penalty of twenty dollars, to be recovered in the same manner as debts of similar amount are by law recoverable, by suit instituted in the name of the school district upon the complaint of any tax-paying citizen of the same, and the proceeds thereof to be paid into the school treasury of said district.

Punishment for  
non-compliance  
with act.

SECTION 4. All acts or parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 24th day of April, A D. 1874.

J. F. HARTRANFT.

#### No. 41.

#### AN ACT

Making appropriations for the salaries of the officers and for repairs to the Western Penitentiary.

SECTION 1. *Be it enacted, &c.*, That the following sums be and the same are hereby specifically appropriated to the Western Penitentiary, for the several objects hereinafter named, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and seventy-four: For the payment of salaries of officers the sum of twenty-four thousand three hundred and fifty dollars; for repairs to building the sum of two thousand five hundred dollars; for steam pipe for block "A" two thousand dollars; for library five hundred dollars; for workshop rendered necessary by the act under which the convicts labor in association, fifteen thousand dollars; and for each discharged convict from the city of Pittsburg, or whose residence is within fifty miles thereof, the sum of five dollars; and ten dollars to each convict whose residence or settlement is fifty miles or over from the penitentiary; the above appropriations to be paid out of any money in the treasury not otherwise appropriated, in quarterly payments, on the fifteenth days of July and October, Anno Domini one thousand eight hundred and seventy-four, and the fifteenth days of January and April, Anno Domini one thousand eight hundred and seventy-five.

APPROVED—The 27th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 42.

## AN ACT

To make appropriations for the Pennsylvania State Lunatic Hospital at Harrisburg.

SECTION 1. *Be it enacted, &c.*, That the sum of thirty-five thousand dollars be and the same is hereby appropriated to the Pennsylvania State Lunatic Hospital at Harrisburg, for the support of the house; fifteen thousand dollars for necessary repairs and improvements to the building; and for the erection of gas works, eight thousand dollars, or so much thereof as may be necessary: *Provided*, That so long as applications in behalf of indigent insane persons, of any class or condition, are pending for admission to said hospital, no additional paying patients shall be received.

APPROVED—The 27th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 43.

## AN ACT

To provide for the publication of the ninth volume of the transactions of the State Agricultural Society.

WHEREAS, The agricultural interests of Pennsylvania constitute one of the chief sources of its wealth and importance:

*And whereas*, The farmers throughout the state, through their local societies, and through their representatives in the state society, have requested that the publication of the transactions of the Pennsylvania State Agricultural Society shall be continued; therefore,

SECTION 1. *Be it enacted, &c.*, That there be published for distribution, for the use of the senate, two thousand copies, and for the house of representatives, five thousand copies, of the ninth volume of the transactions of the State Agricultural Society, uniform with volumes already issued by the state; said volumes also to contain the transactions of the Pennsylvania Fruit Growers' Society, and the reports of the superintendents of the Western, Central and Eastern experimental farms of the Agricultural College of Pennsylvania; the matter for the said volume to be compiled, collated, transcribed and furnished under the direction of the president and secretaries of the State Agricultural Society, and the expenses of the said compilation to be paid in the usual manner: *Provided*, The same shall not exceed twelve hundred dollars; three hundred additional copies of said volumes to be published for the State Agricultural Society, and two hundred for the Fruit Growers' Society.

APPROVED—The 28th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 44.

## AN ACT

Defining the offence of corrupt solicitation of members of assembly, state, county, election, municipal, or other public officers, and prescribing the punishment therefor.

SECTION 1. *Be it enacted, &c.*, That any person or persons who shall, directly or indirectly, by offer or promise of money, office, appointment, employment, testimonial, or other thing of value, or who shall, by threats or intimidation, endeavor to influence any member of the general assembly, state, county, election, municipal, or other public officer, in the discharge, performance or non-performance of any act, duty or obligation pertaining to such office, shall be guilty of the offence of corrupt solicitation, and liable to indictment for a misdemeanor, and on conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars, and to undergo imprisonment not exceeding two years, at the discretion of the court.

Corrupt solicitation defined.

Punishment therefor.

SECTION 2. That any occupation or practice of solicitation of members of either house of the general assembly, or of public officers of the state, or of any municipal division thereof, to influence their official action, shall be deemed a misdemeanor, and any person convicted thereof shall be punished as provided by the preceding section: *Provided*, That any open address upon or explanation of any measure or question before either house of the general assembly, or any committee or member thereof, or before any municipal council, or board, or committee thereof, or before any public officer, shall not be held to be solicitation within the meaning of this section.

Any practice of solicitation a misdemeanor.

How punishable.

What not held to be solicitation.

APPROVED—The 29th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 45.

## AN ACT

To provide for the payment of canvassers appointed by the commissioners of election in the city of Philadelphia.

SECTION 1. *Be it enacted, &c.*, That the sum of ten thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the payment of canvassers appointed in the city of Philadelphia by the election commissioners chosen by the constitutional convention, and that the state treasurer shall pay the claims of said canvassers when certified as correct by said commissioners or a majority of them.

APPROVED—The 29th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 46.

## AN ACT

To provide for the imprisonment of persons where sentences shall be commuted by the governor.

SECTION 1. *Be it enacted, &c.,* That it shall be the duty of the wardens or keepers of the state penitentiaries of this commonwealth, to receive into the prison, under their charge, on the order or warrant of the governor, any person convicted of any crime punishable with death, whose sentence shall have been commuted by the governor, on condition of being confined for life or for a term of years in one of the state penitentiaries, and to keep and confine such person safely, as is by law provided for the keeping and confinement of convicts sentenced to imprisonment in the penitentiaries of this commonwealth, and subject to the laws and regulations providing therefor; and it shall be the duty of the sheriff of the county in which such person was condemned, on the receipt of such order or warrant of the governor, to immediately convey such person to the state penitentiary, at the cost of such county, and deliver said order or warrant to the warden or keeper of said penitentiary: *Provided,* That the persons convicted in any of the counties composing the Eastern district, and whose sentences may be commuted, shall be confined in the state penitentiary of said district, and those convicted in any of the counties composing the Western district, and whose sentences may be commuted, shall be confined in the state penitentiary of said district.

APPROVED—The 29th day of April, A. D. 1874.

J. F. HARTRANFT.

## AN ACT

## No. 47.

For the abandonment and discontinuance of the use and possession of the state powder magazine in the city of Philadelphia, and authorizing and empowering the sale of the property purchased for the erection of another magazine.

SECTION 1. *Be it enacted, &c.,* That so much of the first section of the act of assembly, approved March twenty, one thousand eight hundred and fifty-six, entitled "An Act for the more effectual preservation of life and property from damages by the explosion of gunpowder and gun-cotton, in the city of Philadelphia," as reads, "except in the public magazine," be and the same is hereby repealed.

SECTION 2. That twelve months from the date of the passage of this act, the possession of the premises situate on Magazine lane, near a branch of the Pennsylvania railroad, in the city of Philadelphia, now used and occupied as a state powder magazine, be surrendered and delivered to the owner thereof; that the lease therefor be cancelled and annulled,

Portion of act of  
March 20, 1856, re-  
pealed.

Possession of  
premises used as  
magazine, to be  
delivered to owner.

and that the office of superintendent or keeper thereof be thereafter discontinued.

SECTION 3. That so much of the act of assembly, approved April twentieth, one thousand eight hundred and fifty-eight, entitled "An Act for the removal of the state powder magazine from the city of Philadelphia," as is now in force and operation, be and the same is hereby repealed; that the governor and adjutant general are hereby authorized, on behalf of the commonwealth, to make sale, at public auction, to the highest and best bidder, after thirty days' public notice, published in at least two daily newspapers in the city of Philadelphia, of the lot or piece of ground situate in the Twenty-seventh ward in said city, beginning at a point in the north-easterly side of Powers' lane, at the distance of eighteen perches south-eastward from the land of Warner Bonsall; thence extending along the said side of Powers' lane south forty-two degrees twenty minutes, east twenty-five perches and eighty-eight hundredths of a perch to a post; thence by the remaining land of William B. Chambers, (and of which this was formerly part,) the three (next) following courses and distances, to wit: North fifty-three degrees and twenty-six minutes, east thirty-one perches and thirty-five hundredths of a perch to the middle of a ditch; thence along the middle of said ditch, and on a line drawn in continuation thereof, north forty-five degrees eighteen minutes, west twenty-nine perches, to a corner; and south forty-seven degrees forty minutes, west twenty-nine perches and seven-tenths of a perch to a post set in the north-easterly side of Powers' lane, at the point or place of beginning, containing five acres, thirty-five perches and six-tenths of a perch; the deed for which said premises to the commonwealth is recorded at Philadelphia, in deed book F. T. W., number fifty-two, page eighty-three; and the governor is hereby authorized and empowered to execute and deliver to the purchaser or purchasers a deed, in fee simple, of the premises aforesaid, and receive the proceeds thereof, and pay the same into the treasury.

Act of April 27,  
1838, repealed.

Governor and  
adjutant general  
authorized to sell  
lot.

APPROVED—The 29th day of April, A. D. 1874.

J. F. HARTRANFT.

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No. 48.

### AN ACT

To provide for an appropriation to the State Hospital for the Insane at Warren.

SECTION 1. *Be it enacted, &c.*, That the sum of one hundred and fifty thousand dollars be and the same is hereby appropriated to the State Hospital for the Insane at Warren, to be expended in the erection and construction of the building, the vouchers for the amount expended to be filed in the office of the auditor general, and the accounts of the commissioners or superintendents for all moneys expended in

the construction of said hospital, together with the vouchers thereof, verified on oath, shall be filed monthly in the auditor general's office, and settled and adjusted by him in the same manner as other accounts are now required to be settled under existing laws: *Provided*, That the erection of said building shall be let by contract to the lowest and best bidder, after proper advertisement made and such security given for the due performance of the contract as the commissioners may direct, and shall have power to reject all bids, if, in the opinion of the commissioners, the bids are higher than they can otherwise procure the material or do the work: *Provided*, That the lowest responsible bid shall be the maximum cost of such work or material.

APPROVED—The 6th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 49.

AN ACT

Fixing the time when the term of office of judges of the supreme court and other judges learned in the law shall commence.

SECTION 1. *Be it enacted, &c.*, That the term of office of judges of the supreme court and other judges learned in the law, hereafter elected, shall commence on the first Monday of January next succeeding their election, and they shall be commissioned accordingly.

APPROVED—The 30th day of April, A. D. 1874.

J. F. HARTRANFT.

No. 50.

AN ACT

To authorize the governor of this commonwealth to fill vacancies in the office of alderman and justice of the peace by appointment.

SECTION 1. *Be it enacted, &c.*, That in the event of a vacancy in the office of justice of the peace or alderman, of any ward, district, borough or township in this commonwealth, resulting from any cause whatsoever, the governor is hereby authorized to appoint a citizen of such ward, district, borough or township, who, on being duly qualified and giving bond with sufficient sureties, as now required by law from other aldermen and justices of the peace in this commonwealth, shall exercise the functions and have the same jurisdiction in civil and criminal cases and be entitled to receive the same fees as appertain to the office of justice of the peace or alderman of said ward, district, borough or township: *Provided*, That the person so appointed shall hold said office for a term expiring thirty days after the next annual municipal or township election in said ward, district,

borough or township, at which election his successor shall be elected.

APPROVED—The 6th day of May, A. D. 1874.

J. F. HARTRANFT.

### No. 51.

### A SUPPLEMENT

To the act to create a board of public charities, approved the twenty-fourth day of April, Anno Domini one thousand eight hundred and sixty-nine, authorizing and empowering said board to appoint visitors, and to transfer certain insane persons from county institutions to state hospitals.

SECTION 1. *Be it enacted, &c.*, That the said board shall have power, by a resolution, to be entered on its minutes, subject to such terms and regulations as it may prescribe, to designate three or more persons in any county to act, without compensation, as visitors in said county of the several poor houses and other institutions therein, subject to the visitation of the board, in aid of and as representatives of such board; and all public officers and others in charge of such institutions shall admit to said institutions all such persons so designated upon the production of a copy of such resolution, certified by the president or secretary of said board, to visit, examine and inspect the grounds and buildings of every such institution and every part thereof, and all its hospital and other arrangements, and to have free access to all its inmates. Any public officer, superintendent or person in charge of any such institution, who shall refuse to admit any person so designated, or shall refuse to give said visitors all requisite facilities for the examination and inspection herein provided for, shall be subject to a penalty of two hundred and fifty dollars for each such refusal, which penalty may be sued and recovered in the name of the people of the state, by the district attorney of the county in which such institution is situated, and the sum so recovered shall be paid into the treasury of the state.

Board may appoint visitors to poor houses and other institutions.

Penalty on superintendents and others for refusing to admit visitors.

SECTION 2. Whenever the board of public charities shall be satisfied or have good reason to believe that any insane person in any county or district almshouse, or in the care of any person under the direction of the poor directors of any district, cannot there receive proper care and treatment, or is probably curable, said board, or their representatives in the proper county, shall make application to the president judge of the proper county, in term time, or at chambers, setting forth that such insane person cannot receive proper care and treatment, or is probably curable; and said judge shall, if the statements alleged are sustained by affidavit of petitioners, make decree that the officers in charge of such persons transfer him or her to one of the hospitals for the insane, receiving aid from the state, where such person shall be received and maintained in the manner provided by law,

When and how board may have insane removed to state institutions.



To be maintained  
at expense of dis-  
tricts from which  
transferred.

at the expense of the district from which such person is transferred; such expenses to be recovered by such district from such persons as may be liable by existing laws for the support of such insane person.

APPROVED—The 7th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 52.

### AN ACT

To divide the Eighth normal school district.

SECTION 1. *Be it enacted, &c.*, That the Eighth normal school district of this commonwealth, as provided by section one of the act of May twentieth, one thousand eight hundred and fifty-seven, be and the same is hereby divided, and from this date the said Eighth normal school district shall consist of the counties of Centre, Clinton, Clearfield, Elk, Potter and Cameron, and the counties of Jefferson, Clarion, Forest, Warren and M'Kean shall constitute the Thirteenth district; and all laws or parts of laws inconsistent herewith, be and they are hereby repealed.

APPROVED—The 8th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 53.

### A SUPPLEMENT

To an act for the better protection of the wages of mechanics, miners, laborers and others, approved the ninth day of April, Anno Domini one thousand eight hundred and seventy-two.

Coal lease mort-  
gages not to have  
preference of lien  
for wages.

SECTION 1. *Be it enacted, &c.*, That the proviso to the fourth section of an act, entitled "An Act for the better protection of the wages of mechanics, miners, laborers and others," approved the ninth day of April, Anno Domini one thousand eight hundred and seventy-two, shall not hereafter be so construed as to in any manner apply to coal lease mortgage or mortgages, or to make the same a lien preferred to the lien of the wages of labor mentioned in said act, but that such claim of wages shall be a lien preferred thereto.

Claim not required  
to be filed within  
three months after  
same becomes due.

SECTION 2. That the last proviso of the first section of said act, which is as follows: "no such claim shall be a lien upon any real estate, unless the same be filed in the prothonotary's office of the county in which such real estate is situated, within three months after the same becomes due and owing, in the same manner as mechanics' liens are now filed," be and the same is hereby repealed.

Repeal.

SECTION 3. That all acts or parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 8th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 54.

## AN ACT

Relating to the transportation of explosive or dangerous material.

SECTION 1. *Be it enacted, &c.*, That if any person shall knowingly deliver, or cause to be delivered to any canal, railroad, steamboat or other transportation company, or to any person, firm or corporation engaged in the business of transportation, any nitro-glycerine, dualin, dynamite, gunpowder, mining or blasting powder, gun-cotton, phosphorus, or other explosive material adopted for blasting, or for any other purpose for which the articles before mentioned, or any of them, may be used, under any false or deceptive invoice or description, or without informing such person, firm or corporation in writing, at or before the time when such delivery is made, of the true nature of such, and without having the keg, barrel, can or package containing the same plainly marked with the name of the explosive material therein contained, together with the word "dangerous" article, such person shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to imprisonment for thirty days, and to pay a fine of one hundred dollars, and shall be responsible for all damages to persons or property, directly or indirectly, resulting from the explosion or combustion of any such article.

Punishment for delivering explosive material to transportation companies under deceptive invoice, &c.

SECTION 2. It shall and may be lawful for any officer or agent of any person, firm or corporation engaged in the business of transportation, upon affidavit made of the fact that any package tendered for transportation, not in compliance with the provisions of the first section hereof, is believed to contain explosive material such as aforesaid, to require such package to be opened, and to refuse to receive any such package unless such requirement be complied with; and if such package be opened, and found to contain any explosive material, the said package and its contents shall be forthwith removed to any lawful place for the storing of gunpowder; and after conviction of the offender, or after three months from such removal, the said package, with its contents, shall be sold at public sale after the expiration of ten days from notice of the time and place of such sale, published in one newspaper in the county where such seizure shall have been made; and the proceeds of such sale, after deducting therefrom the expenses of removal, storage, advertisement and sale, shall be paid into the treasury of the said county.

Power to open packages.

When same to be removed and sold.

Appropriation of proceeds of sale.

APPROVED—The 6th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 55.

## AN ACT

Limiting the time within which inquisitions of lunacy or habitual drunkenness may be traversed.

Party aggrieved  
may traverse in-  
quisition.

When traverse to  
be filed.

Court may allow  
traverse to be had  
after time limited  
by act.

SECTION 1. *Be it enacted, &c.,* That every person aggrieved by any inquisition of lunacy or habitual drunkenness, may traverse the same upon or after the return of the same, and proceed to trial thereon, and have like remedy and advantage as in other cases of traverse upon untrue inquisitions found: *Provided,* That such traverse shall be filed in the prothonotary's office of the court in which said inquisition is found, within three months after return of the same.

SECTION 2. That every person having or who shall hereafter have right to traverse any such inquisition as aforesaid, within the time hereinbefore limited, and applicable to his or her case, shall be and are hereby absolutely barred of such right of traverse, unless the said court shall, under the special circumstances of the case think fit, upon a petition being presented to them for that purpose, to allow such traverse to be had or tried after the time by this act limited, in all which special cases it shall be lawful for the said court to make such orders as to them shall seem just.

APPROVED—The 8th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 56.

## AN ACT.

To validate the action of officers selecting and drawing jurors.

SECTION 1. *Be it enacted, &c.,* That the failure during the year one thousand eight hundred and seventy-four to take the oath prescribed in the eighty-seventh section of the act of fourteenth April, Anno Domini one thousand eight hundred and thirty-four, before making selection of persons to serve as jurors and depositing their names in the proper jury wheel or wheels, in any county of this commonwealth, by the proper officers authorized by law to make such selection and deposition of names, or the neglect during the said year to impress distinctly their respective seals upon the wax securing such wheel or wheels, after the same is locked by the officers required so to do, shall not be held or deemed good cause of challenge to the array of jurors, if the court making the order for the filling of such jury wheels or issuing the venue in pursuance of which the array of jurors may have been drawn is satisfied no fraud or partiality has been practiced by the proper officers or by any one in connection with the filling of the wheels or drawing of the jurors aforesaid, and that the names of such jurors have been fairly and properly placed in the proper wheel and honestly drawn therefrom, and also that the jury commissioners and the sheriff, of the

proper county, shall have taken an oath to support the constitution of the United States and of Pennsylvania, and to perform their duties with fidelity, before entering upon the performance of the duties of their respective offices: *Provided*, This act shall not apply to or affect any motion or application pending at its passage in any court of this commonwealth for the quashing of any array of jurors drawn to service therein, nor to any motion to quash any indictment found by any grand jurors in any of said courts which may be now pending therein.

APPROVED—The 8th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 57.

AN ACT

To provide for the collection of debts against non-resident debtors.

SECTION 1. *Be it enacted, &c.*, That it shall be the duty of any alderman or justice of the peace, for any claims not exceeding one hundred dollars, to issue an attachment against any defendant, on the application of the plaintiff, in any case where, by the provisions of any law now existing, or hereafter to be passed, no *capias* can issue, upon proof by the affidavit of the plaintiff, or some other person or persons, to the satisfaction of the alderman or justice of the peace that the defendant is a non-resident of this commonwealth, which affidavit shall also specify the amount of the plaintiff's claim, or the balance thereof, over and above all discounts which the defendant may have against him: *Provided*, That before such attachment shall issue, the plaintiff or some one in his behalf, shall execute a bond in at least double the amount of the plaintiff's claim, with good and sufficient security, conditioned that in case the plaintiff shall fail to recover a judgment, at least of one-half the amount of his claim, he shall pay to the defendant his damages for the wrongful taking of any property over and above an amount sufficient to satisfy the judgment and costs, and that if the plaintiff shall fail in his action, he shall pay to the defendant his legal costs and all damages which he may sustain by reason of said attachment.

When justices to issue attachment against non-residents.

Plaintiff to make affidavit.

And to give bond.

SECTION 2. Every such attachment shall be made returnable not less than two nor more than four days from the date thereof, and shall be served by the constable to whom the same shall be directed, by attaching so much of the defendant's property as will be sufficient to pay the debt demanded, and by delivering to him a copy of the said attachment, with an inventory of the property attached, if he can be found in the county; if not so found, then by leaving a copy of said attachment and inventory with the person in whose possession the said property may be found.

When attachment to be made returnable, and how to be served.

SECTION 3. The constable shall state specifically the manner in which he shall have served such attachment, and it shall be his duty to take the property attached into his pos-

Duty of constable.

Of the forthcoming bond.

Proceedings on return of attachment.

Effect of judgment where defendant is not personally served.

Right of appeal.

Not entitled to benefit of exemption laws.

session, unless the defendant or some other person for him shall enter into a bond with sufficient surety in at least double the amount of the plaintiff's claim, conditioned that in the event of the plaintiff recovering judgment against him, he will pay the debt and costs at the expiration of the stay of execution given by law to freeholders, or that he will surrender up the property attached to any officer having an execution against him on any judgment recovered in such attachment; if such attachment shall be returned personally served upon the defendant, at least two days before the return day thereof, the alderman or justice of the peace shall, on the return day, proceed to hear and determine the same in the same manner as upon a summons returned personally served; but if the same shall not have been so served, the alderman or justice of the peace shall issue a summons against the defendant, returnable as summonses issued by justices of the peace are now by law returnable, and if the said summons shall be returned personally served, or that the defendant, after diligent inquiry, cannot be found in the county, then in either case the alderman or justice of the peace shall proceed to hear and determine the cause in the same manner as upon a summons personally served.

SECTION 4. A judgment obtained before any alderman or justice of the peace in any suit commenced by attachment, when the defendant shall not be personally served with the attachment or summons, and shall not appear, shall be only presumptive evidence of indebtedness in any *scire facias* that may be brought thereon, and may be disproven by the defendant; and no execution issued upon such judgment shall be levied upon any other property than such as was seized by virtue of said attachment; nor shall any defendant in such case be barred of any set-off which he may have against the plaintiff; and the right of appeal, either as to the original judgment, or upon a judgment rendered after the issuing of a *scire facias*, shall be the same as now regulated in proceedings before aldermen or justices of the peace, upon summons personally served: *And provided*, That any exemption law of this commonwealth shall not be construed to extend to any debtor not a resident thereof. \*

APPROVED—The 8th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 58.

# AN ACT

To regulate the manner of advertising for the state, and the issuing of warrants therefor.

How advertisements to be published.

SECTION 1. *Be it enacted, &c.*, That all advertisements, published by any officer or officers of this commonwealth authorized by law to publish the same, shall be published only in the regular advertising columns of the papers to which they are furnished, without being leaded or displayed, and

shall be chargeable only at the rates charged to other advertisers who advertise in the ordinary advertising columns of such papers.

SECTION 2. No advertisement shall be published by any officer or this commonwealth, which is not duly authorized by law, nor in more papers than so authorized.

Unauthorized advertisements not to be published.

SECTION 3. All officers who may be authorized to advertise as aforesaid, shall accompany each copy of the advertisements furnished by them for publication with an order, stating the number of lines or squares such advertisements are each to occupy when inserted, and the number of insertions which is to be given to each of the same.

Each copy of advertisements to be accompanied with order for publication.

SECTION 4. It shall not be lawful for the auditor general to issue warrants to pay for any advertisement authorized by law, unless the bills for the same be accompanied with the written or printed, or partly written and printed order of the officer or officers furnishing the same for publication, stating the number of lines or squares it is to occupy when inserted, and the number of insertions to be given to it, together with the affidavit of the editor or publisher of the paper publishing the same, that it has been inserted in all respects as ordered.

Not to be paid for unless bill is accompanied with order and affidavit.

APPROVED—The 6th day of May, A. D. 1874.

J. F. HARTRANFT.

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No. 59.

### AN ACT

Regulating state tax on certain county offices.

SECTION 1. *Be it enacted, &c.,* That in counties of less than one hundred and fifty thousand inhabitants, the prothonotaries or clerks of the supreme court, courts of common pleas, of the courts of *nisi prius*, of the courts of quarter sessions of the peace, of the orphans' court, the register of wills and the recorders of deeds, of this commonwealth, shall pay into the treasury for the use of the commonwealth, after deducting all necessary clerk hire and office expenses, fifty per centum on the amount of any excess over and above the sum of two thousand dollars, which shall be found by the auditor appointed by the court to settle accounts of county officers to have been received by any office in any one year: *Provided*, If two or more of said offices shall be held by one person, the auditor general shall add together the fees received in the offices so held, and shall charge the same percentage on the aggregate amount of fees received by such person holding more than one of said offices.

State tax on emoluments of office.

SECTION 2. The provisions of this act shall be construed so as to apply to and include all accounts of said officers on file, and not finally settled in the office of the auditor general.

To apply to all unsettled accounts.

APPROVED—The 6th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 60.

## AN ACT

Supplementary to the several acts relating to the state treasurer and to the commissioners of the sinking fund.

State treasurer to be sworn.

Give bond in sum of \$500,000.

To be recorded.

Copies to be evidence.

Term of office.

Vacancy, how filled.

Seal.

Certified copies of accounts, &c., evidence.

To render monthly accounts to auditor general.

What ledgers to be kept.

SECTION 1. *Be it enacted, &c.*, That hereafter it shall be the duty of the state treasurer, before he enters upon the duties of his office, to take the oath or affirmation of office agreeably to the direction of the constitution of the United States and of this commonwealth, and he shall become bound to the commonwealth in an obligation, with ten or more sufficient sureties, to be approved by the governor, in the sum of five hundred thousand dollars, conditioned for the true and faithful performance of the trusts and duties of his office; and the execution thereof being duly proven, the same shall be entered on record in the office of the secretary of the commonwealth, in a book be provided for that purpose, and copies of such obligation, duly authenticated under the seal of said office, shall be admitted as *prima facie* evidence of the fact, execution and contents of such bond in any court of this commonwealth, in all cases in which the original bond would be evidence of the same matter.

SECTION 2. That the term of office of the state treasurer shall hereafter commence on the first Monday of May next succeeding his election, and shall continue for two years, or until his successor shall be duly qualified.

SECTION 3. When a vacancy in the office of state treasurer shall happen by death, resignation or otherwise, the governor, by and with the advice and consent of the senate when in session, shall fill said vacancy by appointment; and the person so appointed, after having taken the oath prescribed by the constitution, and given the requisite security fixed by law, shall perform the duties of state treasurer until the first Monday of May first succeeding the next general election which shall happen more than three calendar months after the vacancy occurs, or until his successor shall be duly qualified.

SECTION 4. The state treasurer shall procure a seal of office, and all copies, under the seal of the state treasurer, of accounts and documents appertaining to his office, shall be evidence in courts of law and elsewhere within this commonwealth.

SECTION 5. It shall be the duty of the state treasurer to keep a correct and accurate account of all moneys received and expended, and he shall furnish to the auditor general on the first business day of every month, an account of all moneys so received and paid by virtue of the powers of his office during the preceding month, together with the vouchers for the payments made by him, and the auditor general shall transfer all the receipts and payments to their proper accounts in the books of his office.

SECTION 6. The state treasurer shall keep two separate books of accounts, to be known respectively as the "sinking fund ledger" and the "general revenue ledger," and he shall

cause all moneys received from revenues belonging to the sinking fund to be credited to the commissioners of the sinking fund, in the sinking fund ledger, and all moneys received from other sources to be credited in the general revenue ledger.

SECTION 7. In the annual report of the state treasurer on the finances he shall furnish to the legislature two distinct statements of receipts and expenditures, one of which shall show the aggregate monthly receipts from all sources of revenue by law appropriated to the sinking fund, and the other the aggregate monthly receipts from all other sources of revenue, with the disbursements therefrom.

Annual report to legislature.

SECTION 8. The state treasurer, on the first business day of each month, shall render a statement of account to the auditor general, giving in detail the different sums which go to make up the grand total of the amount on that day in the state treasury, exclusive of moneys appropriated to the sinking fund. Such statement shall include the names of banks, corporations, firms or individuals with whom the public funds are deposited, with the various amounts of such deposits, the securities held by the state for the safe-keeping of the same and the rate of interest received by the state on such deposits, and shall be verified by the oath or affirmation of the state treasurer, and recorded in a book kept for that purpose in the auditor general's office, and shall be open for the inspection of the governor, heads of departments, members of the legislature or any citizen of the state desiring to inspect the same, and shall be correctly published in two newspapers at Harrisburg for general information.

Monthly reports of state treasurer.

To be verified by oath, and recorded.

To be open for inspection, and published.

SECTION 9. All appropriations shall be payable quarterly at the state treasury upon warrants properly drawn in accordance with law.

Payment of appropriations.

SECTION 10. Whenever it shall appear on the first business day of January, April, July and October, of each and every year, that the balance in the hands of the state treasurer from sources of general revenue, apart from the amounts payable to the sinking fund, shall exceed five hundred thousand dollars, such sum in excess thereof shall be carried to the account of the sinking fund.

When moneys derived from general revenue to be credited to sinking fund.

SECTION 11. The sinking fund shall consist of the proceeds of the sale of the public works or any part thereof, income from or proceeds of the sale of any stocks owned by the commonwealth, and the tax on the capital stock of all corporations of this commonwealth. All other revenues of the state shall belong to the general revenue fund.

Of what the sinking fund shall consist.

SECTION 12. The state treasurer shall, on the first business day of every month, make and deliver a certificate under his hand and seal of office, showing the balance due to the commissioners of the sinking fund upon the sinking fund ledger for the then preceding month, and shall also certify to the said sinking fund commissioners the amount of funds in the treasury in excess of the reserve required for the current expenses of the government.

State treasurer to make monthly certificates to commissioners of sinking fund.

SECTION 13. It shall be the duty of the commissioners of the sinking fund, on the first business day of each month, to

Duties of commissioners of sinking fund.



Redemption of public debt.

prepare a statement of the total amount of money in said fund, which, having been verified by oath or affirmation, shall be published in two newspapers in Harrisburg for public information. The commissioners of the sinking fund shall also, on the first business day in the month of May, August, November and February, in each and every year hereafter, apply all the moneys in the sinking fund to the redemption of an equivalent amount of the public debt. They shall forthwith give legal notice of the amount of said debt which they are prepared to redeem, that the said amount will be redeemed on presentation to the designated disbursing agent of the state, and that the interest upon the certificates thereof shall cease from and after a day certain, to be designated by them, not more than ninety days after the publication of said notice: *Provided*, That the loans of the commonwealth shall be redeemed, as far as practicable, in the order of their maturity.

Annual report of commissioners of sinking fund.

SECTION 14. The commissioners of the sinking fund shall, in their annual report to the legislature, annex tabular statements, showing the amount of each certificate of balance of moneys certified to the commissioners of the sinking fund, as over and above the necessary reserve arising from the general revenue fund for the payment of current expenses, the amount of indebtedness redeemed, with dates of redemption, the amount of interest, the amount and date of maturity of the respective loans of the commonwealth, together with a summary statement of the receipts from all sources, and the expenditures of said fund, and a complete statement of the total amount of stocks and moneys therein, at the beginning and end of the fiscal year, verified by oath or affirmation.

Use of moneys in sinking fund.

SECTION 15. Except in case of war, invasion or insurrection, no part of the sinking fund of the state shall be used or applied otherwise than in the extinguishment of the public debt; and the moneys of the sinking fund, or any moneys from interest thereon, shall never be invested or loaned upon the security of anything except the bonds of the United States, or of this state.

Investment and loan of same.

Punishment of state treasurer and commissioners of sinking fund for neglect of duties, &c.

SECTION 16. The neglect or refusal on the part of the state treasurer, or of any of the commissioners of the sinking fund, to perform the duties in this act enjoined upon them, or the withdrawal by either of them of any of the moneys of the state deposited for the payment of the public debt, or the interest thereon, or of any moneys applicable to the payment of the current expenses of the government, without due warrant of law, or the appropriation of any interest funds which may be received upon the loans of moneys in the state treasury, shall be a misdemeanor in office, for which they or either of them may be impeached, and upon conviction thereof removed from office.

APPROVED—The 9th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 61.

## AN ACT

Fixing the compensation of members of the general assembly, and the number, duties and compensation of the officers and employees thereof.

SECTION 1. *Be it enacted, &c.*, That the compensation of members of the general assembly shall be one thousand dollars for each regular and each adjourned annual session, not exceeding one hundred days, and ten dollars per diem for time necessarily spent after the expiration of the hundred days: *Provided however*, That such time shall not exceed fifty days at any one session, and the compensation shall be ten dollars per diem at each adjourned or special session, and mileage to and from their homes at each regular adjourned or special session, at the rate of twenty cents per mile, to be computed by the ordinary mail route between their homes and the capital of the state: *Provided*, That when any member shall absent himself without leave, he shall not be entitled to any compensation during such absence.

Compensation of members of legislature, fixed.

When not entitled to compensation.

SECTION 2. That the officers of each branch of the legislature shall be as follows, to wit:

First. In the house of representatives, one chief clerk, one resident clerk, one reading clerk, one journal clerk, one message clerk and two transcribing clerks, one sergeant-at-arms and four assistants, one doorkeeper and three assistants, one messenger and three assistants, one doorkeeper of the rotunda, one postmaster and one assistant, one superintendent of the folding rooms, ten pasters and folders, one watchman, two janitors of the basement, two firemen, two janitors for the house committee rooms, one janitor for the wash room and fifteen pages. The firemen and janitors shall be appointed by the speaker of the house; the journal clerk, watchman and pages, by the chief clerk thereof; but all the rest shall be elected by the house at the time of its organization.

Officers of legislature, defined, &c.

Second. In the senate, one chief clerk, one journal clerk and one reading clerk, one message clerk, two transcribing clerks, one librarian, one sergeant-at-arms and two assistants, one doorkeeper and two assistants, one messenger and one assistant, one postmaster, six pasters and folders, one superintendent of the folding room, one watchman, two firemen, one janitor for the senate committee rooms, one janitor for the wash room and ten pages. The librarian, janitors, watchman, firemen and pages, shall be appointed by the chief clerk, and all the rest shall be elected by the senate.

Third. One engineer, to be appointed by the clerks of the two houses. None of said officers shall return as such to the next regular meeting of the legislature, except the chief clerks, the reading, resident and journal clerks, two transcribing clerks for each house, to be designated by the chief clerks of each house, the librarian, the superintendents of the folding rooms, the sergeants-at-arms, the doorkeepers, the engineer, the fireman, and the messengers and postmaster of each house.

What ones to return to next meeting of legislature.

Compensation of officers and employees, fixed.

SECTION 3. The compensation of the officers and employees of the legislature hereinbefore provided for, shall be as follows, viz: The chief clerks shall each receive twenty-five hundred dollars per annum; the resident clerk two thousand dollars per annum; and the reading and journal clerks fifteen hundred dollars per annum; and the message clerks one thousand dollars per annum; and this shall cover all services rendered by them at regular or adjourned sessions, and during the recess: *Provided*, Said clerks shall receive no annual salaries during years in which there shall be no regular or adjourned annual sessions; and in years in which special sessions only shall be held they shall be paid ten dollars per diem, for the term of such special session, and mileage, as is otherwise provided in this act. The transcribing clerks, sergeants-at-arms and assistants, librarians, speakers' clerks, and postmasters shall each receive eight hundred dollars for each regular session, and five dollars per diem at each adjourned or extra session; the door keepers and assistants, messengers and assistants, the assistant postmasters, superintendents of folding rooms and assistants, the engineers, firemen, janitors, and pasters and folders shall each receive six hundred dollars for each regular session, and five dollars per day at each adjourned or special session; the watchmen shall each receive three dollars per day during the year; and the pages two dollars per day for each day actually employed, and one dollar per day at each adjourned or special session; each of these officers, except watchmen and pages, shall be entitled to mileage at the rate of ten cents per mile, to and from their homes, to be computed by the ordinary mail route between their homes and the state capital.

Compensation of officers authorized to return to next meeting of legislature.

SECTION 4. That the officers hereinbefore authorized to return to the regular session of the legislature next following that for which they were elected or appointed, and who shall not be re-elected or elected to some other office in the legislature, shall be allowed five dollars per diem for ten days, or until their successors are duly elected and qualified, and mileage as hereinbefore provided.

Officers to be under control of speakers and chief clerks.

SECTION 5. The officers of each house shall be under the direction and control of the presiding officers and chief clerk of their respective houses, who may assign them to such duties as are usually performed in the offices to which they have been respectively elected. No extra compensation shall be allowed to any officer because of such assignment of duty. The presiding officer and clerk of each house shall also assign one transcribing clerk, to act as clerk to the committee to compare bills; one to serve as clerk to the committee of ways and means in the house, and one as clerk of the finance committee of the senate, without additional compensation; no greater or other compensation or allowance than that provided by this act, shall be voted by either house to any officer thereof, for services performed at any session, excepting fireman and engineer, who shall each receive three dollars per day, for every day necessarily employed under direction of the chief clerk during the recess.

Three transcribing clerks to be assigned to certain duties.

No extra compensation to be allowed, except to fireman and engineer.

SECTION 6. This act, except as otherwise provided in this section, shall take effect on the first day of December, Anno Domini one thousand eight hundred and seventy-four. The members of the general assembly, serving during the session of one thousand eight hundred and seventy-four, shall each be paid for their services therein the sum of fifteen hundred dollars, allowance of stationery and mileage, at the rate of twenty cents per mile, to be computed according to the usual practice in such cases, and the extra allowance for the speakers of the two houses; and the officers and employees of the two houses, elected or appointed to serve during said session, and who shall be certified by the speaker and clerk of their respective houses to have faithfully performed their duties according to law, shall each be paid according to the rule of compensation, prescribed by this act, for corresponding services, except where the compensation allowed in the act of April ninth, one thousand eight hundred and seventy-three, entitled "An Act to provide for the ordinary expenses of the government, and other general and specific appropriations for the year one thousand eight hundred and seventy-three," has been reduced by this act, in which case they shall be paid the compensation allowed by said act of April ninth, one thousand eight hundred and seventy-three; and each officer shall be paid *pro rata* per day, for each day over one hundred days.

When act to take effect.

Compensation of members serving during session of 1874.

Compensation of officers and employees elected to serve during said session.

SECTION 7. All laws or parts of laws inconsistent herewith are hereby repealed. *Repeal.*

APPROVED—The 11th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 62.

### AN ACT

To authorize courts to confirm titles of parties to real estate sold or conveyed by trustees of married women without leave of court.

SECTION 1. *Be it enacted, &c.,* That in all cases wherein any real estate has been granted by any deed or deeds, to any trustee or trustees, for the sole and separate use of any married woman, and wherein the deed or deeds to any such trustee or trustees for any such real estate so granted to him or them, vested in his or their *cestui que trust* the full beneficial estate in fee simple, without restriction or control imposed by the grantor or grantors in the terms of the deed or deeds, or an estate vested in another to be impaired or effected, and any such trustee or trustees have, prior to the first day of January, Anno Domini one thousand eight hundred and seventy, (1870,) in good faith, and at the request or direction of his or their *cestui que trust*, sold or conveyed any such real estate by him or them so held without the leave of the proper court for a valuable and full consideration at the time thereof, and such consideration has been paid to his or their *cestui que trust* in good faith, and the

purchaser or purchasers under any such sale or conveyance have in good faith entered into possession and enjoyment of any real estate so sold or conveyed, and have erected valuable and permanent buildings thereon, and have sold or conveyed the same, or any part thereof, to any other person or persons, it shall be competent for the courts of common pleas of this commonwealth, and any such court having jurisdiction in any county of this commonwealth in which any such real estate so sold or conveyed is situate, is hereby given jurisdiction and authority upon the petition or petitions, and upon proof of such facts by any person or persons interested in any such sale or conveyance, or in the title to any real estate so sold or conveyed, if approving of any such sale or conveyance, to approve, ratify and confirm the same with the same effect as if the same had been sold or conveyed under the previous authority of such court, and to authorize and direct the proper person or persons to execute and deliver sufficient deed or deeds of release and confirmation to the person or persons, and his, her or their heirs and assigns claiming title to any real estate so sold or conveyed by, through, or under any such sale or conveyance with or without security as the circumstances of the case may require in the judgment and discretion of the court: *Provided*, That notice shall be given to all parties in interest, either personal or by publication, as the court may direct.

APPROVED—The 11th day of May, A. D. 1874.

J. F. HARTRANFT.

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No. 63.

### AN ACT.

Relating to payment of costs in cases of felony.

County to pay costs  
in certain cases.

May collect from  
party convicted.

Repeal.

SECTION 1. *Be it enacted, &c.*, That the costs of prosecution accruing on all bills of indictments charging a party with felony, ignored by the grand jury, shall be paid by the county; and in all cases of conviction of any felony, all costs shall be paid forthwith by the county, unless the party convicted shall pay the same; and in all cases in which the county pays the costs, it shall have power to levy and collect the same from the party convicted, as costs in similar cases are now collectible.

SECTION 2. All laws or parts of laws inconsistent with the foregoing section, be and the same are hereby repealed.

APPROVED—The 11th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 64.

## AN ACT

Relating to the validity of the charters of certain incorporations.

WHEREAS, From technical defects and other causes, a number of the charters of incorporation, the supplements and amendments thereto, heretofore granted by the supreme court, and the several courts of common pleas of this commonwealth, are defective in validity, and thereby the rights of innocent parties joining in or dealing with said corporations may be unjustly affected; therefore,

SECTION 1. *Be it enacted, &c.*, That all charters of incorporation, the supplements and amendments thereto, heretofore granted by the supreme court and the several courts of common pleas of this commonwealth, are hereby validated and confirmed: *Provided*, That the provisions of this act shall only apply to such corporations as are actually operating under and transacting business in pursuance and by virtue of such charters, supplements and amendments: *And provided further*, That said corporations shall hold their charters, supplements and amendments, subject to all the requirements and restrictions of the constitution of this commonwealth, and that this act shall not affect any rights acquired previous to its enactment.

APPROVED—The 11th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 65.

## AN ACT

To make an appropriation to the Lackawanna Hospital of the city of Scranton.

SECTION 1. *Be it enacted, &c.*, That the sum of ten thousand dollars be and the same is hereby appropriated to the said Lackawanna Hospital, to be expended in the payment of a mortgage of about four thousand dollars upon said property, and in the repairing and improvement, maintenance and support of the same for the present year, and the state treasurer is hereby authorized and directed to pay said sum to said hospital from and out of any moneys in the state treasury not otherwise appropriated: *Provided*, That before any money shall be paid under this act, the same shall be secured to the commonwealth by deed or mortgage of the property of said hospital, in such manner as the attorney general shall direct.

APPROVED—The 11th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 66.

## AN ACT

To appropriate the sum of five thousand dollars to the Wilkes Barre City Hospital.

SECTION 1. *Be it enacted, &c.,* That the sum of five thousand dollars is hereby specifically appropriated to the Wilkes Barre City Hospital, of the city of Wilkes Barre, for its support and maintenance during the current year, and for the further extension of its field of labor, and the treasurer of the commonwealth is hereby authorized and required to pay the said sum out of any moneys not otherwise appropriated upon the written order of the president of said institution, countersigned by the treasurer thereof.

APPROVED—The 11th day of May, A. D., 1874.

J. F. HARTRANFT.

No. 67.

## AN ACT

To recognize Lincoln University, located in Chester county, as an additional state normal school.

Lincoln University  
to be recognized as  
a normal school.

SECTION 1. *Be it enacted, &c.,* That in addition to the twelve normal schools already established by law, Lincoln University, located in Chester county, be recognized as an additional normal school.

When a school ap-  
plying for recogni-  
tion, to be entitled  
to benefits of nor-  
mal schools.

SECTION 2. Whenever in the judgment of the superintendent of common schools, and of a committee of inspection appointed as under the act of assembly, approved May twentieth, eighteen hundred and fifty-seven, a school applying to be recognized as a normal school under this act shall come sufficiently up to the requirements of the act of May twentieth, eighteen hundred and fifty-seven, and its supplements, in the possession of buildings, library, apparatus and professors, as to provide for the full and thorough training of teachers necessary for the schools, they shall certify the same to the department of common schools, then such school shall upon the usual notice be recognized as a normal school, subject to the regulations, and entitled to the benefits and privileges of other normal schools established by law.

APPROVED—The 11th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 68.

## AN ACT

Fixing the liability of stockholders of banks and banking companies, and other banking institutions in this commonwealth.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act, all stockholders in banks, banking companies, saving fund institutions, trust companies, and all other incorporated companies doing the business of banks or loaning and discounting moneys as such in this commonwealth, shall be personally liable for all debts and deposits in their individual capacity to double the amount of the capital stock held and owned by each: *Provided*, That before such liability shall accrue, in case of banks already chartered, the stockholders shall, at a regular or adjourned meeting, declare by resolution or otherwise their intention to accept the provisions of this act, and notice of their action shall, within thirty days thereafter, be filed in the office of the auditor general and secretary of the commonwealth, setting forth at length their proceeding, declaring their intention to be bound by its provisions in the same manner and as fully as if the same had been a part of the original act by which they were incorporated.

Liability of stockholders fixed.

*Provide.*

SECTION 2. All acts or parts of acts inconsistent with this act are hereby repealed.

*Repeal.*

APPROVED—The 11th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 69.

## AN ACT

Regulating the election of secretary of internal affairs, defining his duties and fixing his salary.

SECTION 1. *Be it enacted, &c.*, That the qualified voters of the commonwealth shall choose by ballot, on the Tuesday next following the first Monday of November, in the year one thousand eight hundred and seventy-four, and on the day of the general election every fourth year thereafter, one person to fill the office of secretary of internal affairs; the election laws in force for the choice of governor shall regulate the election of secretary of internal affairs, and contested elections shall be tried and determined in such courts and in such manner as shall hereafter be prescribed by law: *Provided*, That any vacancy happening by death, resignation or otherwise, shall be filled by appointment by the governor, to continue until the first Tuesday of May succeeding the next general election, which shall happen more than three calendar months after such vacancy occurs.

Election of secretary of internal affairs, regulate

Contested elections.

Vacancy, how filled.

SECTION 2. The person elected secretary of internal affairs, in pursuance of the provisions of this act, shall be commissioned by the governor of the commonwealth, and shall hold

To be commissioned.



Term of office.	his office during four years, from the first Tuesday of May next succeeding his election, and until his successor shall be elected and duly qualified.
To be sworn.	SECTION 3. Before entering upon the duties of his office, the person elected or appointed as secretary of internal affairs, shall take and subscribe the oath prescribed by article seventh of the constitution.
His powers and duties.	SECTION 4. The secretary of internal affairs shall exercise all the powers and perform all the duties which at the time of entering upon his office shall appertain to the office of surveyor general. His department shall embrace a bureau of industrial statistics, the business of which shall be to impartially inquire into the relations of capital and labor, in their bearings upon the social, educational and industrial welfare of all classes of working people, and to offer practical suggestions for the improvement of the same.
Corporations, firms, &c., to furnish information.	The said bureau shall further collect, compile and publish such statistics in regard to the wages of labor and the social condition of the laboring classes as may enable the people of the state to judge how far legislation can be invoked to correct existing evils; and in order to facilitate the duties herein imposed, all corporations, firms or individuals engaged in mining, manufacturing or other business, and all persons working for wages within this commonwealth, are hereby required to furnish such statistical information as the chief of said bureau may demand. The chief or duly authorized
Power to issue subpoenas, administer oaths, &c.	deputy shall have power to issue subpoenas, administer oaths and take testimony in all matters relating to the duties herein required of said bureau. Any corporation, firm or individual doing business within this commonwealth, who shall neglect or refuse, for thirty days, to answer questions by circular or upon personal application, or who shall refuse to obey the subpoena and give testimony according to the provisions of this act, shall be liable to a penalty of one hundred dollars, to be collected by order of the commissioner of statistics, in an action of debt, in which the commonwealth of Pennsylvania shall be plaintiff. This bureau shall also be required to collect, compile and publish annually the productive statistics of agriculture, mining, manufacturing, commercial and other business interests of the state; and the act of twelfth April, eighteen hundred and seventy-two, entitled
Penalty on corporations, individuals, &c., for refusing to give information.	"An Act to provide for the establishment of a bureau of statistics on the subject of labor, and for other purposes," is hereby repealed from and after the first Tuesday of May, one thousand eight hundred and seventy-five.
Act of April 12th, 1872, repealed.	The secretary of internal affairs shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber and other material or business interests of the state as may be prescribed by law. It shall be his especial duty to exercise a watchful supervision over the railroad, banking, mining, manufacturing and other business corporations of the state, and to see that they confine themselves strictly within their corporate limits; and in case any citizen or citizens shall charge, under oath, any corporation with transcending its
Further duties of secretary.	

corporate functions or infringing upon the rights of individual citizens, said secretary shall carefully investigate such charges, and may require from said corporation a special report, as enjoined in the constitution of the state; and in case he believes the charges are just, and the matter complained of is beyond the ordinary province of individual redress, he shall certify his opinion to the attorney general of the state, whose duty it shall be, by an appropriate legal remedy, to redress the same by a proceeding in the courts, at the expense of the state: *Provided*, The secretary of internal affairs may, with the approval of the governor, appoint for four years from the first Tuesday of May, eighteen hundred and seventy-five, a chief of the bureau of industrial statistics, besides the other clerks of his office allowed by law, whose salary shall be twenty-five hundred dollars per annum.

May, with approval of governor, appoint chief of statistical bureau.

SECTION 5. The secretary of internal affairs, or any authorized deputy of his, in any matter pertaining to his department, may, in case of doubt, call before him witnesses, and examine them under oath or affirmation, reducing their testimony to writing and filing the same, to explain the reason of his action in any case.

Secretary or any deputy may summon and examine witnesses.

SECTION 6. The salary of the secretary of internal affairs shall be three thousand dollars per annum, payable quarterly.

Salary.

APPROVED—The 11th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 70.

### AN ACT

Providing for the publication of the minutes of the board of war and navy board of the state of Pennsylvania, and other original papers in the office of the secretary of the commonwealth heretofore unpublished.

SECTION 1. *Be it enacted, &c.*, That the secretary of the commonwealth be and he is hereby authorized and required to publish the recently recovered minutes of the board of war and navy board of the state of Pennsylvania, together with such other papers belonging to the same as are of historical value and have not been already published, and such other papers in his office as are of historical value and have not as yet been published, including those of the year one thousand seven hundred and ninety-four relating to what is known as the "whisky insurrection," and the years from one thousand eight hundred and twelve to one thousand eight hundred and fifteen, both inclusive, relative to the last war with Great Britain, in a manner uniform with and in volumes of not less than eight hundred pages, not inferior to the volumes of Pennsylvania Archives heretofore published, to the number of fifteen hundred copies of each volume.

Secretary of commonwealth to publish minutes of board of war and other papers.

SECTION 2. That two hundred copies thereof, when printed and bound, shall be placed at the disposal of the governor to be by him distributed among learned societies and public

How copies to be disposed of.

libraries in other states at his discretion, that three copies shall be presented to the Historical Society of Pennsylvania, one copy to each of the county historical societies of this state, or, where there is no such historical society, then to the law library of such county if there be one, one copy to the Philadelphia library, one copy to the Franklin Institute, one copy to each of the public libraries and colleges of this state, one copy each to be placed at the disposal of the members and clerks of the present legislature, one copy shall be placed in each of the offices of the heads of departments of this state, three copies in the state library, and the balance shall be disposed of by subscription opened at the offices of the several county treasurers, to be filed in the order of their presentation, at the office of the secretary of the commonwealth, at the price of one dollar per volume, the proceeds of which shall be paid into the state treasury, and applied towards the payment of the expenses incurred in editing and publishing the same.

APPROVED—The 13th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 71.

### AN ACT

Fixing the pay of road commissioners, road and bridge viewers and reviewers, and appointed commissioners to run township lines and to divide boroughs into wards, and township division lines, and surveyors in this commonwealth.

SECTION 1. *Be it enacted, &c.,* That from and after the passage of this act, the pay of viewers and reviewers of roads and bridges, commissioners of roads, and of commissioners appointed to run township lines, and to divide boroughs into wards, and township division lines in the several counties of this commonwealth, shall be two dollars (\$2,) and the pay of surveyors for that purpose shall be four dollars (\$4) for every day necessarily employed in the duties of their office.

SECTION 2. Road and bridge viewers, and reviewers, commissioners of roads, commissioners and surveyors in the several counties of this commonwealth, in addition to their per diem pay shall be entitled to mileage, at the rate of ten cents per mile necessarily traveled by each viewer, reviewer, commissioner or surveyor from his residence to the nearest point of the road viewed or reviewed on the line or lines to be run, to be paid in the same manner as is now provided by law with regard to the pay of viewers, reviewers or commissioners.

SECTION 3. All acts inconsistent with this act are hereby repealed.

APPROVED—The 13th day of May, A. D. 1874.

J. F. HARTRANFT.

Pay of road viewers, commissioners to run township lines, &c.

Mileage of road viewers, surveyors, &c.

Repeal.

## No. 72.

## AN ACT

To make appropriations for pensions and gratuities.

SECTION 1. *Be it enacted, &c.*, That the sum of fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the payment of pensions and gratuities authorized by law, for the year commencing on the first day of June, eighteen hundred and seventy-four, to be paid out of any moneys in the treasury not otherwise appropriated.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 73.

## AN ACT

To authorize the secretary of the commonwealth and deputy secretary of the commonwealth to administer oaths or affirmations.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act the secretary of the commonwealth and deputy secretary of the commonwealth shall have power and authority to administer to all officers of the state government, such oaths or affirmations as by the constitution or laws of the commonwealth such officers are required to make; and further, shall have general power and authority to administer oaths or affirmations in any or all matters pertaining to the business of the executive department of this commonwealth.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 74.

## AN ACT

To provide for the transfer of the business and records of certain courts abolished by the constitution, and repealing the acts creating the same.

WHEREAS, In and by section eleven (11) of the schedule of the constitution of this commonwealth, it is declared that Preamble.  
all courts of record and all existing courts which are not specified in said constitution, shall continue in existence until the first day of December, Anno Domini one thousand eight hundred and seventy-five, and no longer; therefore,

SECTION 1. *Be it enacted, &c.*, That all acts of the general assembly of this commonwealth heretofore passed, establishing and creating courts of record, and all existing courts which are not specified in said constitution, and thereby abolished as aforesaid, be and the same are hereby repealed, to take

Acts creating  
courts abolished  
constitution. re-  
pealed.

effect from and after the said first day of December, Anno Domini one thousand eight hundred and seventy-five, but no sooner.

Powers vested in common pleas, &c., before creation of said courts, to be resumed.

SECTION 2. That all the powers and jurisdiction now possessed respectively by said courts so abolished, which before the creation of the same were possessed by the courts of common pleas, oyer and terminer, quarter sessions of the peace and orphans' courts of the respective counties wherein the same are severally situate, shall from and after the said first day of December, Anno Domini one thousand eight hundred and seventy-five, be resumed by and again be vested in said courts of common pleas, oyer and terminer, quarter sessions of the peace, and orphans' courts of the respective counties wherein said courts are established.

Of the transfer of the records of such courts.

SECTION 3. That as soon as possible after the said first day of December, Anno Domini one thousand eight hundred and seventy-five all dockets, records, papers and proceedings in matters civil and criminal in said courts so abolished, except as hereinafter provided, shall be removed and transferred to the several courts of the respective counties which, under the constitution and laws of this commonwealth, have jurisdiction of said civil and criminal matters, and thereafter the dockets, records, papers and proceedings so transferred and removed shall be records of the several courts to which they are removed, the same as if they had been kept, made up, filed or had in the said courts, and the jurisdiction and powers of the courts to which the same are transferred and removed, shall be as complete and full to all intents and purposes in and about the said dockets, records, papers and proceedings as if the proceedings evidenced by them had been originally commenced in the courts to which they have been so removed: *Provided*, That the records in the court of *nisi prius*, of the county of Philadelphia, on the thirty-first day of December, Anno Domini one thousand eight hundred and seventy-five shall remain in the office of the prothonotary of the supreme court, and causes pending therein shall be transferred to the court of common pleas of said county by certified copy or transcript of the record.

Of the trial and determination of cases and indictments pending.

SECTION 4. That all cases and indictments pending in said courts so abolished on the first day of December, Anno Domini one thousand eight hundred and seventy-five, shall be proceeded in, heard, tried and determined in the several courts of the counties to which they are removed and transferred, and which from the nature of the proceedings, properly have jurisdiction of the same, as if said courts had in the beginning jurisdiction to hear, try and determine the same; and all proceedings, verdicts, judgments, decrees and sentences in and about the same shall have the like force and effect in law and equity as if such suit, action or proceeding had originally been instituted therein by authority of law.

Full faith and credit to be given to records and proceedings of said courts.

Exemplifications to be furnished.

SECTION 5. That full faith and credit shall be given to all the records and proceedings of said courts by the courts to which they are transferred; and it shall be the duty of said courts after the said transfer, to give exemplifications of said records, and certify the same under the proper seals of the

courts to which they have been removed and transferred, as if said records and proceedings had been made up and had in the court so certifying the same; and further, all lien dockets and indexes so far as entries shall have been made in them, until the said first day of December, Anno Domini one thousand eight hundred and seventy-five, shall be preserved, and thereafter be evidence of the matters and things contained therein, and shall affect and determine the rights and liabilities of parties the same as if they had not been so transferred and removed.

Lien dockets and indexes to be preserved, and be evidence.

SECTION 6. That the term of office of all the judges and other officers of said courts so abolished, now or hereafter elected or appointed thereto, shall end on the said first day of December, Anno Domini one thousand eight hundred and seventy-five, except in cases where by section fifteen of the schedule to the constitution the term of any of the officers of said courts are expressly extended beyond the said first day of December, Anno Domini one thousand eight hundred and seventy-five.

When terms of judges and other officers to expire.

SECTION 7. That the proper costs and expenses necessary to the removal of the aforesaid dockets, papers and records shall be paid by the respective counties; and it shall be the duty of all the officers of said courts so abolished in whose custody the said dockets, papers and records shall be on the first day of December, Anno Domini one thousand eight hundred and seventy-five, to deliver them into the custody of the prothonotaries and clerks of the respective courts into which they are by the provisions of this act required to be removed, and in default thereof the said officers and their sureties shall be liable for all damages resulting from such default.

Payment of costs of removing records.

Officers of courts abolished, to deliver records to prothonotaries and clerks.

SECTION 8. That the records in the courts of *nisi prius* of the county of Philadelphia, on the thirty-first day of December, Anno Domini one thousand eight hundred and seventy-five, shall remain in the office of the prothonotary of the supreme court, and cases pending therein shall be transferred to the court of common pleas of said county by certified copy or transcript of the record.

Records of court of nisi prius of Philadelphia county.

SECTION 9. That the act, entitled "An Act to establish criminal courts for Dauphin, Lebanon and Schuylkill counties," approved the eighteenth day of April, Anno Domini one thousand eight hundred and sixty-seven, and the act supplementary thereto, approved the twenty-first day of April, Anno Domini one thousand eight hundred and seventy, be and the same are hereby repealed, to take effect from and after the passage of this act; that all the powers and jurisdiction heretofore possessed by the court of first criminal jurisdiction for the counties of Schuylkill, Dauphin and Lebanon, which before the creation of the same were possessed by the court of oyer and terminer, quarter sessions of the peace and general jail delivery, shall from and after the passage of this act be resumed by, and again be vested in said courts, as fully and completely as though the court of first criminal jurisdiction for the counties of Schuylkill, Dauphin and Lebanon had never been created; and all dock-

Act establishing criminal courts for certain counties, and supplement thereto, repealed.

Powers possessed by quarter sessions, &c., before creation of such court, to be resumed.

Records transferred.

ets, records, papers and proceedings heretofore had in said criminal court are hereby transferred to the said courts of oyer and terminer, quarter sessions of the peace and general jail delivery, with like effect as though they had been originally made, recorded and proceeded in said courts.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

### No. 75.

#### AN ACT

Regulating the appointment and pay of fish wardens or water bailiffs.

Power to appoint wardens for the Delaware.

Salaries.

Annual pay of wardens on the Susquehanna.

Power to appoint additional wardens.

SECTION 1. *Be it enacted, &c.,* That the board of fishery commissioners may, if they consider it necessary, appoint one fish warden or water bailiff for each county bordering upon the river Delaware, at a salary not to exceed one hundred dollars per annum, whose duties shall be the ordinary duties of fish warden and water bailiffs as heretofore prescribed by law.

SECTION 2. That the annual pay of the fish warden or water bailiff placed in charge of the reaches or stretches in the neighborhood of the Columbia dam, shall not exceed the sum of three hundred dollars, and the annual pay of the fish warden or water bailiff placed in charge of the river from the Columbia dam to the Maryland line, shall not exceed the sum of two hundred dollars.

SECTION 3. The board of fishery commissioners shall have power to appoint such additional fish wardens or water bailiffs as have not been authorized by previous laws, at or along such inland waters as they may deem necessary, at a salary not to exceed fifty dollars per annum.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

### No. 76.

#### AN ACT

Making an appropriation to the Allegheny county society for alleviating the miseries of public prisons.

SECTION 1. *Be it enacted, &c.,* That the sum of fifteen hundred dollars be and the same is hereby specifically appropriated to the Allegheny county society for alleviating the miseries of public prisons, to enable the society to carry out the objects of the association, for the year commencing on the first day of June, one thousand eight hundred and seventy-four, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 77.

## A FURTHER SUPPLEMENT

To the supplement to the militia act, approved April fifteen, Anno Domini one thousand eight hundred and seventy-three, providing for the payment of actual expenses of artillery companies.

SECTION 1. *Be it enacted, &c.*, That in addition to the four hundred dollars (\$400) already appropriated to each company by said supplement, each battery of artillery properly manned and equipped, and obeying the requirements as set forth in said supplement, shall receive their actual expenses for horsing said battery for all parades, as ordered and provided for in said supplement.

The bills for the same, with the necessary vouchers, approved by the proper brigade and division commanders, shall be forwarded to the military board created by said supplement; when approved by them, warrants shall be drawn by the adjutant general upon the state treasurer for the respective amounts, in favor of the commanding officer of such batteries, in the manner prescribed by law: *Provided however*, That the number of such batteries of artillery shall not exceed at any time the quota allowed by the regulations of the United States army to the infantry arm of the service.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 78.

## A FURTHER SUPPLEMENT

To the act approved May fourth, Anno Domini one thousand eight hundred and sixty-four, entitled "An Act for the organization, discipline and regulation of the militia of the commonwealth of Pennsylvania."

SECTION 1. *Be it enacted, &c.*, That the adjutant general shall hereafter be entitled to and hold the rank of major general; and the assistant adjutant general shall hereafter be entitled to and hold the rank of colonel, and both of said officers shall be commissioned by the governor in the grades hereby prescribed.

Rank of adjutant general and assistant adjutant general.

SECTION 2. That so much of the act approved May fourth, one thousand eight hundred and sixty-four, to which this is a supplement, as prescribes that a commissary general and surgeon general shall only be appointed in time of war, insurrection, rebellion or invasion, be and the same is hereby repealed, and the governor is hereby authorized and empowered to commission such officers with the rank and grade of brigadier general, but in time of peace they shall serve without pay, compensation or emolument.

Commissary general and surgeon general may be commissioned.

SECTION 3. That the state printer, under the direction of the adjutant general, is hereby authorized and directed to print and bind one thousand copies of the militia laws of this

Militia laws to be printed for distribution among officers.



commonwealth for distribution among the officers of the National Guard, said books to be the property of the state, to be known as the military code and to be so stamped or lettered.

Re-arrangement of military divisions authorized.

SECTION 4. That the commander-in-chief is hereby authorized and empowered to re-arrange and re-district the military divisions of the state, reducing their number to not more than ten, arranging said divisions so that by lines of railway or contiguous localities the troops therein may be most speedily concentrated, assigning the troops thereto in proportion to the taxable inhabitants, or make such assignments as may be deemed to the best interests of the service, and upon such reduction and re-organization, the general officers now commissioned and their respective staff officers whose services will thereby be no longer required shall be honorably discharged.

Appropriations for armory rent.

SECTION 5. That each company of the National Guard, its vouchers therefor being duly passed and approved by the state military board shall, in addition to its present appropriation, if entitled thereto, receive a warrant from the adjutant general to the order of its commanding officer drawn upon the state treasurer for the sum of one hundred dollars, if located or quartered outside of cities, boroughs or towns, with a population exceeding fifteen thousand inhabitants, and if in cities, boroughs or towns with a population of fifteen thousand or a greater number, then for the sum of two hundred dollars, to be devoted and applied to the payment of armory rent only.

Certain officers empowered to administer oaths.

SECTION 6. That general field and commissioned staff officers are hereby authorized and empowered to administer oaths and affirmations in all matters appertaining to or concerning the National Guard service, but in no case shall they charge any fee or compensation therefor; any person who shall falsely swear or affirm to any oath or affirmation so administered shall, upon trial and conviction, be deemed guilty of perjury and sentenced for such offence as is now prescribed by law.

Regimental paymaster and commissary to be appointed.

SECTION 7. That in addition to the staff officers now authorized for regimental organizations, there shall be a paymaster and commissary, each with the rank of captain, to be appointed by the regimental commander; and upon such appointment, with the approval of the commander-in-chief, they shall be commissioned accordingly.

For the appointment of brigadier generals.

SECTION 8. That so much of the twenty-third section of the act, to which this is a supplement, as requires that brigadier generals shall be chosen by the written or printed votes of the field officers of the respective brigades and commanders of brigade companies, be and the same is hereby repealed; and the commander-in-chief, with the consent of the senate, is hereby authorized, empowered and directed to hereafter appoint and commission all brigadier generals: *Provided*, That those now in office and holding commissions as such, shall so remain until the expiration of the term for which they were elected.

Power of governor to appoint aids-de-camp, not limited.

SECTION 9. That nothing in this supplement shall be construed as limiting the power of the governor to appoint and

commission the number of aids-de-camp with the rank of colonel, as is now prescribed by law, but said number shall remain at twenty, and their duties or assignment shall not be restricted or confined to any territorial or division limits.

APPROVED—The 14th day of May, 1874.

J. F. HARTRANFT.

No. 79.

AN ACT

In relation to suits for wages, preventing stay of execution on judgments obtained for one hundred dollars or less.

SECTION 1. *Be it enacted, &c.*, That no stay of execution shall be allowed on any judgment for one hundred dollars, and less, when the same has been recovered for wages of manual labor.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 80.

AN ACT

To grant the consent of the state of Pennsylvania to the acquisition of certain lands by the United States, for the purpose of erecting additional light houses to aid the navigation of the river Delaware.

WHEREAS, Legislation is required to enable the United States to obtain title to property within the state of Pennsylvania and the navigable waters thereof, for the purpose of erecting light houses to aid the navigation of the rivers Delaware and Schuylkill; therefore,

SECTION 1. *Be it enacted, &c.*, That the consent of the state of Pennsylvania is hereby given to the acquisition by the United States, by purchase or by condemnation, under the laws of this state, of such pieces of land situate in the state of Pennsylvania, or the navigable waters within the limits of the jurisdiction of the state of Pennsylvania, each piece not to contain more than ten acres, as may be selected by the light house board of the United States, for the purpose of erecting light houses and beacons on the rivers Delaware and Schuylkill; and the said United States shall have, hold, use, occupy and own the said land or lands when purchased or acquired, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

Consent of state given to acquisition of land by United States.

SECTION 2. That whenever the site so selected shall be a shoal or land covered by waters of the said rivers not owned by any individual, and owned by or under the jurisdiction of the state, the governor of the state of Pennsylvania is hereby authorized to sell or donate to the United States so much of the said shoal or bed of the said rivers, as shall be required for such purposes, and to execute such assurances

When governor authorized to sell or donate.

as shall be necessary to vest the title of the state of Pennsylvania thereto in the United States, and to secure the use and occupation of the same to the United States, for the purpose of erecting a light house or light houses thereon.

How United States to be governed in case condemnation is resorted to.

SECTION 3. In case the United States shall decide to resort to condemnation in acquiring land for the purposes specified in the first and second sections of this act, the said United States shall, in all respects, be governed by the laws of this state regulating the appropriation of private property for public use, and said laws are hereby made applicable: *Provided*, That the United States may pay the costs and refuse to take the land if, in their judgment, the compensation assessed therefor is excessive.

Jurisdiction over land, ceded to United States.

SECTION 4. The jurisdiction of the state of Pennsylvania in and over the said land or lands, when purchased by the United States, shall be and the same is hereby ceded to the United States; but the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said land or lands.

Conditions upon which consent is given and jurisdiction ceded.

SECTION 5. The said consent is given, and the said jurisdiction ceded, upon the express condition that the state of Pennsylvania shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of Pennsylvania, against any person or persons charged with crimes or misdemeanors committed within said state, including said lands, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

When jurisdiction ceded to vest.

Lands to be exonerated from taxes.

SECTION 6. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to said land or lands, as herein provided; and so long as the said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges which may be levied under the authority of this state.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 81.

## AN ACT

Relative to service of process upon the stockholders of corporations in actions brought to charge the stockholders for debts of the corporation, or for unpaid instalments upon their stock.

SECTION 1. *Be it enacted, &c.*, That in all actions or proceedings now or hereafter brought or instituted in any county within this commonwealth, to charge the stockholders of any corporation with any of the debts of such corporation, or to enforce payment of instalments due upon stock, service of

summons or other process, may be made upon the stockholders resident within such county in the same manner as writs of summons are now directed to be served, and upon those residing in other counties of this commonwealth by the sheriff of the county in which they may respectively reside, and upon those non-residents of this commonwealth by publication for four successive publications in a newspaper published within the county where such action or proceeding is brought or instituted, and also in the state in which such non-residents may reside, as the court from which such action or proceedings shall issue may direct, and a copy of such publication shall be mailed to the post office address of such non-resident stockholders, if such address can be ascertained.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 82.

### AN ACT

Authorizing state treasurer to pay the necessary expenses incident to the calling out of the National Guard to assist the civil authorities in suppressing the recent riot in Susquehanna county.

WHEREAS, During the riot at Susquehanna Depot, in March, one thousand eight hundred and seventy-four, the governor of the commonwealth called out certain portions of the National Guard to assist the civil authorities in maintaining the supremacy of the law :

And whereas, The most of those who so promptly responded to the call were taken from their business on short notice, and were kept away from the same for from five to six days, thereby suffering great pecuniary loss ; therefore,

SECTION 1. *Be it enacted, &c.,* That the troops actually engaged at Susquehanna Depot, in assisting to suppress said riot, shall be paid one-half months pay in the manner prescribed by the act of assembly organizing the National Guard of Pennsylvania, and the sum of fourteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the above named purpose.

SECTION 2. That the state treasurer is hereby authorized and directed to pay the claims arising under the first section of this act on pay roll, to be certified to and approved by the adjutant general, auditor general and major general who commanded the forces during said riot.

SECTION 3. That the state treasurer is hereby also authorized and directed to pay the claims arising for the transportation, subsistence and incidental expenses attending the assembling and calling out of the troops upon said occasion upon vouchers duly approved and certified by the adjutant general and auditor general, and the sum of eleven thousand dollars, or so much thereof as may be necessary, is hereby appropriated therefor.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 83.

## A SUPPLEMENT

To the act, entitled "An Act to provide for a permanent centennial exposition building for the people of the commonwealth in the city of Philadelphia," approved the twenty-seventh day of March, Anno Domini one thousand eight hundred and seventy-three.

How appropriation  
of \$1,000,000 to be  
paid.

SECTION 1. *Be it enacted, &c.,* That the appropriation of one million dollars for the erection of a permanent centennial exposition building for the people of this commonwealth, and for the use of the centennial anniversary of American independence under the direction of the United States centennial board of finance, incorporated by act of congress, made by the first section of the act to which this is a supplement, shall be paid out of any money in the treasury not otherwise appropriated, in manner following, to wit: When monthly statements shall have been presented to the governor as hereinafter provided, of the expenditures made for the permanent exhibition building, monthly payments shall be made on such statements, but not more than fifty thousand dollars shall be paid in any one monthly statement, nor shall more than three hundred and fifty thousand dollars be payable on such statements in any one year; the United States centennial board of finance shall make monthly statements to the state centennial supervisors of the expenditures made for the said permanent exhibition building, for materials, labor and services in the erection of said building for the preceding month; and said supervisors shall make, or cause to be made, an examination into said statements, and if they shall approve the expenditures made and the accounts for the same, they shall so certify the statement to the governor, or if they find such statements or any of them incorrect, they shall correct them and certify them as so corrected, and the governor shall thereupon draw his warrant on the state treasurer for two-thirds of the amount so certified, subject, however, to the limitations as to amounts hereinbefore provided; and said supervisors shall also certify in like manner such monthly statements to the mayor of the city of Philadelphia: *Provided however,* That this act shall not be construed to appropriate any money for the erection of the said permanent centennial exposition building until at least one million dollars of *bona fide* responsible subscriptions shall have been made, within the city of Philadelphia, for the centennial anniversary exhibition buildings in stock or otherwise, which shall be officially certified to the governor by said supervisors, and a sum of not less than five hundred thousand dollars shall have been appropriated by the city of Philadelphia, to be applied exclusively to the erection of the permanent centennial exhibition building provided for by the act to which this is a supplement: *And provided further,* That nothing contained in this act shall be construed to appropriate a greater sum in the aggregate than one million dollars, nor in any event shall the state hereafter be called upon or held liable to appro-

appropriate any other or greater sum than that hereinbefore provided for.

SECTION 2. So much of the act to which this is a supplement as is inconsistent with the provisions of this act is hereby repealed.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 84.

### AN ACT

Providing for the construction of fish-ways and the propagation and protection of fish, and appropriating moneys therefor.

SECTION 1. *Be it enacted, &c.,* That should the state of New Jersey appropriate funds for the artificial propagation of shad in the river Delaware, during the fishing season of the current year one thousand eight hundred and seventy-four, the board of fishery commissioners are authorized to apply and employ a similar amount for the same purpose: *Provided,* The said amount shall not exceed the sum of three thousand dollars: *And provided further,* That the said sum, not exceeding three thousand dollars, is hereby appropriated for that purpose, to be paid by the state treasurer upon the warrants of the said board of fishery commissioners, from time to time, as the same may be necessary, whenever a certificate of the appropriation and action of the state of New Jersey shall be filed in the office of the state treasurer, authenticated as required by the laws of said state.

Fishery commissioners may, in certain case, apply money to propagation of shad in the Delaware.

Appropriation for such purpose.

SECTION 2. That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated for expenditure during the present and coming fiscal year, out of any moneys in the state treasury not otherwise appropriated, to be paid by the state treasurer on the warrant or warrants of the said commissioners or a majority of them, for the purpose of hatching and propagating useful tribes of food fishes, and to stock and supply all the streams, lakes and fresh waters of the commonwealth with the same, by distributing the impregnated spawn or fry of the said tribes of fishes to all parts of the state under proper regulations, and for the dissemination of any varieties of fish in the waters of the state, and to employ the necessary labor, material and implements therefor, and to pay the necessary and reasonable expenses of the said fishery commissioners, and the salaries of the fish wardens and water bailiffs they may appoint: *Provided,* That the said commissioners shall file annually with the auditor general an account of all moneys expended and services rendered, and produce and file the proper vouchers for the same.

Appropriation for hatching and propagating fish, expenses of commissioners, &c.

Commissioners to file account with auditor general.

SECTION 3. That the said board of fish commissioners are required to have constructed during the year eighteen hundred and seventy-four, by contract with the lowest and best bidder after due and public notice fish-ways or ladders for

To have fish-ways constructed in certain dams.

Appropriation for  
such purpose.

None to be con-  
structed unless one  
in Columbia dam  
is certified to be a  
success.

the passage of migratory or anadromous fishes, as follows, to wit: The three fish-ways that they were required to construct during the year eighteen hundred and seventy-three, but which they did not construct, as follows, to wit: One in Clark's Ferry dam; one in the Shamokin dam, and one in the first dam in the Juniata river above its confluence with the Susquehanna river, for which purpose the sum of twenty-two thousand dollars, (\$22,000,) or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated: *Provided*, That none of the fish-ways named in this section shall be put under contract or constructed, unless the said commissioners, or a majority of them, shall, on or before the first day of June, in the year eighteen hundred and seventy-four, file a certificate with the auditor general that in their opinion the said fish-ways already constructed in the Columbia dam has been successful and can be successfully used for the passage of migratory or anadromous fishes.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 85.

### AN ACT

To fix the salaries of the several state officers of this commonwealth, the number of clerks to be employed in the several departments, and their compensation, and providing for the incidental expenses of said departments.

Salaries of state  
officers, fixed.

SECTION 1. *Be it enacted, &c.*, That the salaries of the several officers of this commonwealth enumerated herein are hereby fixed, and shall be as follows:

Governor, ten thousand dollars.

Lieutenant governor, three thousand dollars.

Attorney general, three thousand five hundred dollars.

Deputy attorney general, eighteen hundred dollars.

Secretary of the commonwealth, four thousand dollars.

Deputy secretary of the commonwealth, two thousand five hundred dollars.

Auditor general, three thousand dollars.

Secretary of internal affairs, three thousand dollars.

Adjutant general, two thousand five hundred dollars.

State treasurer, five thousand dollars.

Superintendent of public instruction, twenty-five hundred dollars.

State librarian, eighteen hundred dollars.

Assistant state librarian, nine hundred dollars.

Superintendent of public printing, sixteen hundred dollars.

Superintendent of public grounds and buildings, fourteen hundred dollars.

The commissioner of bureau of statistics and the surveyor general shall each receive a salary of twenty-five hun-

dred dollars. The salary of the surveyor general shall continue until his office is merged in the office of the secretary of internal affairs. The recorder and clerk of the board of pardons shall each receive the sum of five hundred dollars per annum, and each member of the board five hundred dollars per annum, to date from the first day of January, Anno Domini one thousand eight hundred and seventy-four, and the same shall be and continue annually the salary of said recorder and clerk, and of each of the members of said board as designated by the constitution of the commonwealth until otherwise provided by law.

**SECTION 2.** The number of clerks and employees in the several departments, and their salaries, shall be as follows:

Number and salaries of clerks and employees.

In the executive department:

Executive department.

One private secretary of the governor, twenty-five hundred dollars.

One executive clerk, fifteen hundred dollars.

One messenger, nine hundred dollars.

One page, three hundred dollars.

One night watchman, nine hundred dollars.

In the state department:

State department.

One chief clerk, eighteen hundred dollars.

One corporation clerk, to date from March first, one thousand eight hundred and seventy-four, sixteen hundred dollars.

Seven other clerks, fourteen hundred dollars each.

One temporary transcribing clerk, to be employed only when necessary, at one hundred and twenty-five dollars a month.

One messenger, eleven hundred dollars.

In the auditor general's office:

Auditor general's office.

One chief clerk, eighteen hundred dollars.

One corporation clerk, eighteen hundred dollars.

Nine other clerks, fourteen hundred dollars each.

One messenger, nine hundred dollars.

One night watchman, nine hundred dollars.

In the office of internal affairs:

Office of internal affairs.

One chief clerk, eighteen hundred dollars.

One drafting clerk, seventeen hundred dollars.

One clerk to board of property, two hundred dollars.

Twelve other clerks, fourteen hundred dollars each, to serve until May first, one thousand eight hundred and seventy-five, after which date the number of other clerks shall be ten.

One messenger, nine hundred dollars.

In the attorney general's office:

Attorney general's office.

One clerk and messenger, fourteen hundred dollars.

In the adjutant general's office:

Adjutant general's office.

One keeper of the Harrisburg arsenal, fourteen hundred dollars.

One chief clerk, eighteen hundred dollars.

Two other clerks, fourteen hundred dollars each.

One messenger, nine hundred dollars.

Six men at arsenal, for cleaning arms, et cetera, seven hundred dollars each.



One messenger in charge of flag room, three hundred dollars.

The keeper of the arsenal shall be subject to the orders of the adjutant general, and when not employed about the arsenal shall be engaged in copying rolls in the adjutant general's office.

State treasury.

In the state treasurer's office :

One chief clerk, two thousand dollars.

Three other clerks, fourteen hundred dollars each.

One messenger, nine hundred dollars.

One night watchman, nine hundred dollars.

One fireman, to take charge of the steam heating apparatus, for six months, from November first to June first, in each year, seventy-five dollars a month, to be computed from November first, one thousand eight hundred and seventy-three.

Office of public instruction.

In the office of public instruction :

Deputy superintendents of public instruction, eighteen hundred dollars each.

Three clerks, fourteen hundred dollars each.

One messenger, nine hundred dollars.

Bureau of statistics.

In the bureau of statistics :

Three clerks, fourteen hundred dollars each.

One messenger, six hundred dollars.

All other allowances to said office to cease whenever said office shall be merged in the office of internal affairs.

Department of public grounds.

In the department of public grounds :

Five watchmen at nine hundred dollars each, two of which shall be night watchmen.

The provision herein made for the office of internal affairs shall apply to the surveyor general's office until the latter office is merged in the office of internal affairs and no longer.

Departments to make monthly pay roll.

SECTION 3. Each of the foregoing departments shall cause to be made up monthly, a pay roll containing the names of the several clerks and employees therein as herein authorized, with the amount due to each for the month for which it is made out, certified by the head of the department to be correct and true, and the state treasurer shall pay monthly all persons so certified to him, taking the receipt of each therefor, which shall be a sufficient voucher for the payment of the same.

State treasurer to pay all persons certified on roll.

Allowances for incidental expenses.

SECTION 4. The annual allowance for the regular incidental expenses of each department shall be as follows :

Executive department.

In the executive department :

For postage, telegrams and other incidental expenses, two thousand dollars, or so much thereof as may be necessary.

State department.

In the state department :

For postage, telegrams, express charges, cleaning offices and other miscellaneous expenses, three thousand dollars, or so much thereof as may be necessary.

For indexing pamphlet laws in the year one thousand eight hundred and seventy-four, two hundred dollars, and in all subsequent years one hundred dollars.

Auditor general's office.

In the auditor general's office :

For the expenses of executing the corporation laws, one thousand dollars, or so much thereof as may be necessary.

For postage, telegrams, express charges, cleaning offices and other miscellaneous expenses, two thousand dollars or so much thereof as shall be necessary.

In the surveyor general's office until it expires, and thereafter in the office of internal affairs: Surveyor general's office.

For postage, cleaning office and miscellaneous expenses, one thousand dollars, or so much thereof as may be necessary.

In the attorney general's office:

For postage, cleaning office, traveling and other incidental expenses, one thousand dollars, or so much thereof as may be necessary. Attorney general's office.

In the adjutant general's office:

For postage, telegrams, express charges, cleaning office, ordinary repairs, lumber, hardware and other materials, and other miscellaneous expenses, eighteen hundred dollars, or so much thereof as may be necessary. Adjutant general's office.

For freight on shipment of arms, et cetera, and expenses incidental to inspection, fifteen hundred dollars, or so much thereof as may be necessary.

In the state treasurer's office:

For postage, telegrams, express charges, cleaning office and other incidental expenses, one thousand dollars, or so much thereof as may be necessary. State treasury.

In the office of public instruction:

For expenses of principals of state normal schools and superintendents in attending annual examinations, three hundred dollars, or so much thereof as may be necessary. Office of public instruction.

For engraving and printing warrants, two hundred dollars, or so much thereof as may be necessary.

For postage, telegrams, express charges, cleaning offices, traveling and other incidental expenses, twenty-five hundred dollars, or so much thereof as may be necessary.

For publishing and circulating the official decisions and instructions of the department, twenty-five hundred dollars, or so much thereof as may be necessary.

In the bureau of statistics, until the same is merged, as aforesaid: Bureau of statistics.

For postage, telegrams, express charges, traveling and miscellaneous expenses and cleaning offices, nine hundred dollars, or so much thereof as may be necessary.

In the state librarian's office:

For freight, express, postage, cleaning room and miscellaneous expenses, five hundred dollars, or so much thereof as may be necessary. State library.

For marking books, one hundred dollars; for reports of supreme court for each year, for exchange with other states, six hundred dollars; for law books and exchanges, fifteen hundred dollars; for miscellaneous books, fifteen hundred dollars, or so much of each as may be necessary.

In the office of the superintendent of public printing:

For contingent expenses, three hundred dollars, or so much thereof as may be necessary. Superintendent of public printing.

The state treasurer shall annually open an account with each of said departments, crediting them with the amounts herein allowed whenever the same is appropriated by law, State treasurer to open account with each department.

Settlement of accounts.

Withdrawn balances to revert to treasury.

Repeal.

and shall charge to the same all payments made thereon. All accounts properly chargeable thereto shall be regularly settled by the Auditor general and state treasurer, according to law, and shall be paid by the state treasurer. All balances of appropriations for such purposes not drawn upon at the end of three months after the expiration of the fiscal year, for which the appropriation was made, shall revert to the treasury, and shall then be duly covered into the same.

SECTION 5. All laws or parts of laws inconsistent herewith are hereby repealed.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 86.

### AN ACT

To repeal and amend so much of an act, entitled "An Act to amend and consolidate the several acts relating to game and game fish," approved May first, one thousand eight hundred and seventy-three, as relates to Wilson or gray snipe and woodcock.

SECTION 1. *Be it enacted, &c.,* That so much of an act, entitled "An Act to amend and consolidate the several acts relating to game and game fish," approved May first, one thousand eight hundred and seventy-three, as relates to Wilson or gray snipe be and the same is hereby repealed, and so much of section seven as relates to woodcock be amended so as to read "from the first day of January to the fourth day of July."

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 87.

### AN ACT

Authorizing the county commissioners to sell at public sale any part of any lands reserved for public buildings when the same is not needed therefor.

SECTION 1. *Be it enacted, &c.,* That it shall be lawful for the county commissioners of any county, having first obtained the approbation of the court of quarter sessions of such county to sell at public sale any part of any public land reserved for the use of the public buildings not necessary or needed for the use of such public buildings, and to pay the proceeds of such sale into the county treasury of said county, notice of the time and place of such sale to be prescribed by the said court.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 88.

## AN ACT

Making an appropriation for state normal schools.

SECTION 1. *Be it enacted, &c.*, That for the several state normal schools, organized and accepted as such under the laws of this commonwealth, the sum of sixty thousand dollars be and the same is hereby specifically appropriated for the school year, which will begin on the first Monday in June, Anno Domini one thousand eight hundred and seventy-four, to be distributed by the governor, the superintendent of common schools and the attorney general, on such terms and conditions as they may determine, looking to the interest of the state as well as the welfare of the schools, except that the board of trustees of each school accepting its allotment of the appropriation now made, shall hereafter be composed of a number of members not exceeding eighteen, to be elected by the stockholders as now provided by law, and appointed under the provisions of the act approved the fifteenth of February, one thousand eight hundred and seventy-two, in the proportion as nearly as may be practicable to the amounts of money each school has received from private sources and from the state, respectively; and that no institution shall hereafter be recognized as a state normal school with an indebtedness of over twenty-five thousand dollars, nor without being fully provided with buildings, furniture and apparatus, as the law requires. All proceedings of the above named officers under this act to be reported to the legislature in detail in the next annual report of the superintendent of common schools.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 89.

## AN ACT

To authorize the collection of poor tax from unseated lands.

SECTION 1. *Be it enacted, &c.*, That it is the true intent and meaning of the several statutes of the general assembly, authorizing the assessment of poor tax upon property, that unseated lands shall and may be assessed therewith in the manner provided for the assessment of poor tax upon other real estate, and whenever hereafter any poor tax so assessed on any unseated lands in this commonwealth shall not be voluntarily paid by the owner or owners thereof, the collector or overseer of the poor of the proper district, as the case may be, shall certify the same to the proper county commissioners as is now directed by law in the case of road and school taxes, and the commissioners shall enforce the collection thereof with the taxes assessed on unseated lands for county purposes, and when so collected said tax shall be paid

to the overseers of the poor of the proper district by orders drawn by the county commissioners on the county treasurer.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

### No. 90.

### A FURTHER SUPPLEMENT

To an act relative to suits in dower and partition, approved the twentieth day of February, Anno Domini one thousand eight hundred and fifty-four, and its supplement, approved the thirtieth day of March, Anno Domini one thousand eight hundred and sixty-nine, construing said act and extending jurisdiction of the courts therein.

To apply to all suits in partition in common pleas or orphans' court.

SECTION 1. *Be it enacted, &c.*, That the true intent and meaning of the act, entitled "An Act relative to suits in dower and partition," approved the twentieth day of February, Anno Domini one thousand eight hundred and fifty-four, and its supplement, approved the thirtieth day of March, Anno Domini one thousand eight hundred and sixty-nine, is hereby declared to be to include and embrace all suits, whether at law or in equity, instituted or to be instituted in the court of common pleas or orphans' court, of any county of this commonwealth, by any tenant in common or joint-tenant, for the partition or valuation of any real estate; and writs of partition in all such cases may be issued to an inquest of seven men, or to a commission of three men, and all proceedings in regard to the same shall be as provided by law in other cases.

How writs may be issued.

Separate suit may be brought in each county where real estate is situate.

SECTION 2. Nothing contained in this act or the acts to which it is a supplement, shall be so construed as to prevent any tenant in common or joint-tenant of real estate, situated in two or more counties of this commonwealth, from bringing a separate suit, either at law or in equity, in either or any of such counties, for partition or valuation of so much of such real estate as is situated therein, except in the case where such real estate consists of single tracts lying in adjoining counties.

of partition of lands and coal rights, and lands and timber rights.

SECTION 3. That partition may be made under existing laws of lands and coal rights thereon, and of lands and timber rights thereon, whether the rights of all of the parties be co-extensive with the whole or not, and whether the rights of some of them extend only to the lands and part of the coal thereon, or only to the land and part of the timber thereon.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 91.

## AN ACT

To define the liability of sureties upon written instruments for the payment of money.

SECTION 1. *Be it enacted, &c.*, That from and after the first day of January, Anno Domini one thousand eight hundred and seventy-five, the surety or sureties in any instrument in writing for the forbearance or payment of money at any future time, shall not be discharged from their liability upon the same by reason of notice from the surety or sureties to the creditor or creditors to collect the amount thereof from the principal in said instruments, unless such notice shall be in writing and signed by the party giving the same.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 92.

## AN ACT

To create a commission to prepare amendments to the constitution of this commonwealth.

SECTION 1. *Be it enacted, &c.*, That, as soon as practicable after the passage of this act, it shall be the duty of the governor to appoint seven persons to be commissioners to examine and revise the constitution of the commonwealth. Said commissioners shall meet on the first Monday of June next hereafter, at such place as may be deemed best, and shall elect one of their number to be chairman, and may also elect a clerk, who may or not be one of their number, and thereafter may adjourn to such time or times and such place or places as to a majority of them may seem expedient.

Governor to appoint commissioners to revise constitution.

When to meet, &c.

SECTION 2. It shall be the duty of the said commissioners to determine whether any amendments to the constitution of this commonwealth are advisable or necessary, and if any are found advisable or necessary, to prepare the same in proper form, and make return to the legislature at its next session.

Their duties.

SECTION 3. The compensation of the said commissioners shall be ten dollars per diem for each of them, and for the clerk (if one shall be elected who is not a member of said commission) the same sum per diem for every day employed in the discharge of the duties imposed by this act, and said compensation shall be paid, upon the certificate of the chairman of said commission, by the state treasurer out of any moneys in the treasury not otherwise appropriated.

Compensation.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 93.

## AN ACT

Relating to the transfer of the personal estate of married women.

SECTION 1. *Be it enacted, &c.*, That so much of the act, approved April eleventh, Anno Domini one thousand eight hundred and forty-eight, as requires the acknowledgment of any instrument in writing, intending to assign and transfer the interest of any married woman in her personal property, to be acknowledged before one of the judges of the courts of common pleas of this commonwealth, be and the same is hereby repealed, and any acknowledgment in such form as required by law which may hereafter be made in such cases before any alderman, justice of the peace, notary public or other officer authorized to take acknowledgments in this commonwealth, shall be as valid and effectual for all purposes whatsoever as if made before said judge of the court of common pleas.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 94.

## AN ACT

To exempt from taxation public property used for public purposes, and places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity.

SECTION 1. *Be it enacted, &c.*, That all churches, meeting houses, or other regular places of stated worship, with the grounds thereto annexed necessary for the occupancy and enjoyment of the same; all burial grounds not used or held for private or corporate profit; all hospitals, universities, colleges, seminaries, academies, associations and institutions of learning, benevolence or charity, with the grounds thereto annexed and necessary for the occupancy and enjoyment of the same, found, endowed and maintained by public or private charity; and all school houses belonging to any county, borough or school district, with the grounds thereto annexed and necessary for the occupancy and enjoyment of the same; and all court houses and jails, with the grounds thereto annexed, be and the same are hereby exempted from all and every county, city, borough, beunt, road, school and poor tax: *Provided*, That all property, real or personal, other than that which is in actual use and occupation for the purposes aforesaid, and from which any income or revenue is derived, shall be subject to taxation, except where exempted by law for state purposes, and nothing herein contained shall exempt same therefrom.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 95.

## AN ACT

Relating to compulsory arbitrations.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act it shall not be lawful, in any civil suit or action in any court in this commonwealth, wherein an affidavit of claim is or may be required, and in which the plaintiff, by himself or his agent or attorney, shall have filed an affidavit of claim setting forth the nature and amount thereof, and shall have also filed a declaration or statement for the defendant to enter a rule of reference declaring his intention to have arbitrators chosen, unless he shall have previously filed an affidavit of defence specifically setting forth the nature and character of the same, and a rule of reference shall in no case prevent the plaintiff from moving for or the court from entering judgment for want of a sufficient affidavit of defence.

APPROVED—The 14th day of May, A. D. 1874.  
J. F. HARTRANFT.

## No. 96.

## AN ACT

To prescribe the manner by which the courts may divide boroughs into wards.

SECTION 1. *Be it enacted, &c.*, That the several courts of quarter sessions shall have authority, within their respective counties, to divide boroughs into wards, to erect new wards out of parts of two or more adjoining wards, to divide any ward already erected in two or more wards, to alter the lines of any two or more adjoining wards, so as to suit the convenience of the inhabitants thereof, and to cause the lines or boundaries to be ascertained and established.

Court of quarter sessions may erect wards.

And alter and establish their boundaries.

SECTION 2. That upon application by petition of at least twenty freeholders resident in the borough or ward to a court of quarter sessions, for the purpose of dividing any borough into wards, of erecting one or more new wards out of parts of two or more adjoining wards, of dividing any ward already erected into two or more wards, of altering the lines of any wards, or of ascertaining and establishing the lines or boundaries of any ward or wards, the said court shall appoint three impartial men to inquire into the propriety of granting the prayer of the petition. And it shall be the duty of the commissioners so appointed, or any two of them, to make a plot or draft of the borough or wards proposed to be divided, of the proposed new wards and the division lines proposed to be made thereon, or of the lines proposed to be altered of two or more adjoining wards, or of the lines proposed to be ascertained and established, as the case may be, if the same cannot be fully designated by natural lines or boundaries; all

To appoint three commissioners.

Their duties.



which they or any two of them shall report to the next court of quarter sessions, together with their opinion of the same.

Proceedings on report made.

SECTION 3. That when a report has been made by said commissioners it shall be confirmed *nisi* by said court, which confirmation shall become absolute, unless exceptions be filed to the same not later than the third day of the next term of said court; and should exceptions be filed, as aforesaid, they shall be disposed of on evidence, as said court shall deem just: *Provided*, That if desired, a review may be had if, in the opinion of the court, it may be necessary to secure a fair adjudication of the same; said review to be asked for before the report has been confirmed absolutely, however.

Review.

Court to decree election of councilmen and school directors.

SECTION 4. That when said report shall have been confirmed by the court, it shall, at the same time, decree the election of an equal number of councilmen and school directors in each of the wards, in such a manner, however, as not to interfere with the terms of those heretofore elected.

Compensation of commissioners.

SECTION 5. The compensation of the commissioners shall be the same as that now paid to road viewers and to be paid in same manner.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 97.

## AN ACT

To provide for the custody of insane persons charged with and acquitted or convicted of crime.

Insane convicted or acquitted of crime, may be removed to hospitals.

SECTION 1. *Be it enacted, &c.*, That whenever any person is imprisoned within the commonwealth, convicted of any crime whatsoever or charged with any crime and acquitted on the ground of insanity, application, in writing, may be made by the warden, superintendent, physician or any inspector of the penitentiary or prison in which such person is imprisoned, or by the general agent of the board of public charities, to the court hereinafter named, or any law judge thereof, which application shall certify, under oath or affirmation, that such prisoner is believed to be insane, and shall request that such prisoner shall be removed to a hospital for the insane, whereupon it shall be lawful for any judge learned in the law of any court within this commonwealth having immediate cognizance of the crime with which such prisoner is charged, or of the court by which such prisoner has been convicted, to appoint a commission of three citizens of this commonwealth, of whom one shall be of the profession of medicine and one of the profession of law, whose duty it shall be to inquire into and report upon the mental condition of such prisoner, and if in a report signed by a majority or all of the members of such commission it shall appear that the prisoner inquired of is of unsound mind and unfit for penal discipline, it shall be lawful for the judge issuing such commission, or for any other judge of the same court learned in

Application to be made to court or judge.

Commission to be appointed.

Their duties.

the law, to make an order, under the seal of such court, directing the removal of such prisoner from the place of his or her imprisonment, and that he or she shall be received, maintained and cared for by the hospital for the insane nearest to such place of imprisonment, and which shall or may receive aid or support from the treasury of the state, and that such patient shall be detained in such hospital until an order, as hereinafter provided, shall be granted by the said court, or any judge thereof learned in the law, for the return of such prisoner to the penitentiary or prison from which he or she was removed, or for his or her discharge from such hospital: *Provided always*, That whenever any hospital shall be established especially for the care of insane patients who shall have been convicted of crime, or whenever separate accommodations shall be made for such patients in any hospital aided from the treasury of the state, the order, as aforesaid, for the removal of any such person from his or her place of imprisonment shall direct that he or she shall be received, maintained and cared for in such special hospital or in the separate accommodations of any hospital prepared for such purpose.

Order of removal  
to be made.

SECTION 2. That in all cases where any person who may have committed any criminal act, and is dangerous to the community, shall be found to be insane in the manner provided by law, and in all cases mentioned in the sixty-sixth, sixty-seventh and sixty-eighth sections of the act of thirty-first of March, one thousand eight hundred and sixty, relative to criminal procedure, it shall be lawful for any court having cognizance of the crime or offence with which such person is charged, to commit to either of the hospitals for the insane mentioned in the preceding section of this act, any such insane person for so long time as such person shall continue to be of unsound mind.

Court may commit  
to hospitals all  
prisoners found to  
be insane.

SECTION 3. That whenever the superintendent or other proper medical authority of any hospital for the insane, to which any patient shall have been sent under the provisions of this act, shall, in writing, certify to the judge or court by whom the order for removal and detention has been made, that such patient has been so far restored to mental sanity as no longer to need the remedial or custodial care of such hospital, it shall be lawful for the said judge or court, if the term of imprisonment for which such prisoner was sentenced has not expired, to remand such prisoner to the place of imprisonment from which he or she was brought to such hospital, to serve out the unexpired term of sentence, or if such prisoner become unsound in mind after the alleged crime and before conviction, to remand such prisoner for trial; but if the term for which such prisoner was sentenced shall have expired, or if the crime wherewith such prisoner is charged shall have been committed during his or her probable insanity, and in all cases provided for in the second section of this act, it shall be lawful for the said judge or court to order the discharge of such patient from the said hospital.

When and how  
prisoners to be re-  
manded to prison  
or for trial.

When court may  
discharge.

SECTION 4. That whenever the term of sentence of any prisoner sent to a hospital for the insane under the provisions

When prisoners  
be delivered to  
their relatives.

of this act shall expire while such prisoner remains uncured and a patient of said hospital, it shall be lawful for the judge or court by whom the order of removal and detention has been made, upon the due application of relatives or friends of such patient, and upon proper surety being given for the custody and care of such patient, to make an order for the discharge of such patient from the said hospital, and his or her delivery to the guardianship and control of the person or persons applying therefor; and no person committed to a hospital under any of the provisions of this act shall be discharged therefrom, otherwise than in the manner hereinbefore provided.

How expenses of removal, &c., to be paid.

SECTION 5. That the expenses incurred for the removal of any insane person from a place of imprisonment to any hospital, or for their removal from such hospital, in pursuance of the provisions of this act, and of his or her detention, maintenance and care in the said hospital, shall be chargeable to and paid by the commissioners of the county in which the alleged crime with which he or she was charged was committed; and the said commissioners shall have remedy over against the poor district, liable under existing laws, or against the estate and effects of every such prisoner, for the re-imbursement of such expenses to the said county.

Repeal.

SECTION 6. That all provisions of any act or acts of assembly inconsistent with or supplied by the provisions of this act be and the same are hereby repealed.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 98.

### AN ACT

To provide for a geological survey of the state.

Ten commissioners to be appointed.

SECTION 1. *Be it enacted, &c.*, That the governor, with the advice and consent of the senate, shall, as soon as practicable after the passage of this act, appoint ten suitable commissioners from different sections of the state, who, with the governor as chairman *ex-officio*, shall constitute a board to prosecute the work contemplated in this act; the persons so appointed shall hold office during the continuance of the work, and any vacancies in their number caused by death or resignation, shall be filled by the governor with the consent of the senate.

They and the governor to constitute a board.

How vacancies to be filled.

To be sworn.

SECTION 2. The commissioners before entering on their duties, shall respectively take and subscribe the oath required of other state officers, which shall be filed in the office of the secretary of the commonwealth, who is hereby authorized and directed to administer said oath.

Authorized to rent rooms.

SECTION 3. The said board is hereby authorized to rent rooms in Harrisburg at a moderate and usual rent, to use for the purposes of the survey created by this act, and shall therein also hold its regular meetings: such meetings shall

be held at least once in every three months and as much oftener as required by the exigencies of its affairs, and the due furtherance of the survey; the time for the regular meetings shall be fixed at the time of its organization.

SECTION 4. The commissioners shall receive no compensation for services but their actual traveling and other necessary expenses, which shall be paid by the state treasurer on the certificate of the auditor general; and no commissioner or officer under this act shall derive pecuniary profit from the appropriation made by this act, other than is specified.

SECTION 5. The board shall be convened by the governor as soon as practicable, and it shall have power to make such regulations for the management of its business as it may deem expedient, and may, if necessary, employ a clerk.

SECTION 6. The board created by this act shall, on its organization, take charge of and conduct as it may deem to the best interests of the state, the business of organizing a thorough and extended geological survey of the state. The purpose of the said survey shall be to make such investigations as may be required to thoroughly elucidate the geology of the state and to put the result of this and previous work of individuals or surveys into a convenient form for reference; and further, to make such full chemical examination of ores, coals, oils, clays, soils, fertilizing and other useful minerals and waters as shall be required to afford the agricultural, mining, metallurgical and other interests of the state a clear insight into the character of its resources; the said board shall also cause to be collected such specimens as may be necessary to form a complete cabinet collection of specimens of the geology and mineral resources of the state.

SECTION 7. To carry out the purposes of this act, the board is hereby authorized and required to appoint a state geologist of ability and experience, who shall control the execution of the details of the survey; and the said geologist shall appoint such competent assistants as may be required to carry out the purposes of the survey, none of whom shall be members of the board; all salaries shall be fixed by the board which is hereby required to make yearly agreements with the geologist and his assistants as to their salaries; it shall also fix the rates at which the geologist may employ such temporary assistants as he may require; the work of the survey shall be done on such plan as shall be approved by the board; on the adoption of the plan, the geologist shall immediately and thereafter as often as may be required, make out estimates for all necessary implements and materials for the work, and for all necessary expenses, and these estimates shall be submitted to and be subject to the approval of the board. The said state geologist, with his assistants, shall be under the control of the board, but after the approval of the plan submitted by the geologist his assistants shall be responsible to him for the proper execution of their work. The state geologist shall be present at the meetings of the board and take part in its discussions.

SECTION 8. The said board shall collect copies of the surveys of this and other states and countries, and shall digest

Meetings.

Not to receive compensation.

May make regulations, and employ clerk.

To organize geological survey of state.

Purpose of survey.

To collect specimens to form cabinet.

State geologist and assistants, to be appointed.

Salaries.

Work to be done on plan of board.

Geologist to make and submit estimates of expenses.

To be under control of board.

Be present at meetings.

Duties of board.

the information therein contained to the end that the survey created by this act may be made as thorough, practical and convenient as is possible. All works so collected shall be the property of the state. It shall further be the duty of the members of the board, in addition to those already specified, to furnish, from time to time, to the state geologist, any and all information which will contribute to the development of the facts relating to the mining, agricultural and other pursuits of the state.

Employees may enter upon lands.

SECTION 9. It shall be lawful for all persons employed by the geological survey created by this act to enter, without molestation, into and upon all lands and localities in this state which it may be necessary to examine for the purposes of this survey. The board shall avail itself, as fully as possible, of the information, maps and surveys possessed by citizens and corporations in this state relating to the geology and topography of the state. All the facts, of whatever nature, obtained by the survey shall be considered public property, and any concealment or speculative use of the same is strictly prohibited. All publications of the board shall be copyrighted by it in the name of the state.

Facts obtained, to be public.

Publications to be copyrighted.

Geologist to make report annually.

SECTION 10. And it shall be the duty of the state geologist annually, before the fifteenth day of February in each year, to prepare a detailed report of the operations of the year, and the facts obtained by the survey; he shall submit the same to the board, which is hereby authorized to print and publish the said reports in a suitable and convenient form, adapted to modern requirements. Copies of the reports, with all maps and supplements, shall be donated to all public libraries, universities and colleges in the state, and shall be furnished at cost of publication to all other applicants for them.

To be printed.

How copies thereof to be disposed of.

Appropriation.

Expenditures.

SECTION 11. To carry out the purposes of this act, the sum of thirty-five thousand dollars is hereby annually appropriated for three years. All expenditures made in carrying out this work shall be, after the approval of the board, certified by the same, upon proper vouchers, to the auditor general, who shall draw his warrant upon the state treasurer for the amount: *Provided*, That no salaries or other expenditures under this act shall commence until the officers herein named have entered upon the execution of their respective duties.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 99.

## AN ACT

Relating to the assessment of damages arising from the opening of roads and highways and the construction of bridges.

Duties of road and bridge viewers.

SECTION 1. *Be it enacted, &c.*, That hereafter it shall be the duty of all persons appointed in the several counties of this commonwealth to view and review any public or private

road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof, signed by a majority of their number, and return the same, together with all releases obtained, to the court of quarter sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this commonwealth.

SECTION 2. That all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

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No. 100.

AN ACT

To permit cemetery companies, not organized for the purposes of corporate profit, to take and hold any grant, donation or bequest of property, for the uses herein mentioned.

SECTION 1. *Be it enacted, &c.,* That any cemetery company, which is now or may hereafter be incorporated in this state, whose places of burial are not used for the purposes of corporate profit, may take and hold any grant, donation, or bequest of property upon trust to apply the same, or the income thereof, under the direction of the board of managers, for the embellishment of the said cemetery, or for the erection, repair, preservation or renewal of any tomb, monument or gravestone, fence, railing or other erection, or for the planting and cultivation of trees, shrubs, flowers or plants, in or around any cemetery lot, or for improving the said premises in any other manner or form consistent with the design and purpose of the act of incorporation, according to the terms of such grant, donation or bequest.

May hold property  
in trust for certain  
purposes.

SECTION 2. That all grants, donations or bequests of money, which shall be made in accordance with the provisions of the foregoing section, the annual income of which only is directed by the terms of such grant, donation or bequest, to be applied to any of the purposes set forth in said section, shall be invested by said board of managers, either in ground rents, mortgages upon otherwise unincumbered real estate, or the stocks or loans of this commonwealth or of the United States; and the said managers shall not be responsible for their conduct of such trust, except for good faith and such reasonable diligence as may be required of mere gratuitous agents: *Provided,* That the said managers shall in no case be obliged to make any separate investment of any

How grants, &c.,  
of moneys to be in-  
vested.

Responsibility for  
conduct of trust.

How income from  
funds to be divided  
and expended.

sum so given, and that the average income derived from all funds of the like nature entrusted to the corporation shall be divided and apportioned annually to the credit of said lot or parcel of lots entitled thereto, and the same be expended in accordance with the direction or intention of the donor or grantor.

APPROVED—The 14th day of May, A. D., 1874.

J. F. HARTRANFT.

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No. 101.

AN ACT

Relating to the estates of decedents.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act, whenever any person shall die seized of real estate valued at not more than one thousand dollars, and the parties in interest desire the same to be converted into money for distribution, it shall be lawful for the orphans' court of the proper county, in its discretion, upon the joint petition of the widow and heirs, and the guardians or committees of such as are minors or under disabilities, in whom the real estate of the decedent shall have vested, setting forth the description of the property, the desire to have the same sold and its estimated value duly sworn to, together with the affidavit of two disinterested persons, stating that the real estate is not worth more than one thousand dollars, to order the executor, administrator or a trustee to make sale and proceed in all respects in the manner now provided by existing laws in cases of the sale of real estate for the payment of debts of a decedent, and the proceeds of such sale, after the payment of the expenses thereof, shall be distributed to and among those entitled thereto, the same as real estate.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

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No. 102.

AN ACT

To provide for the submission of civil cases by agreement of the parties to a referee learned in the law.

Civil cases may be  
submitted to  
referee by agree-  
ment.

SECTION 1. *Be it enacted, &c.*, That in all civil suits or cases which the parties may legally, by agreement in writing, submit to the decision of the court in any county or city of this commonwealth, the parties may, in like manner, by written agreement, submit the case to the decision of any person learned in the law, who is authorized to act as an attorney in the supreme court of this state.

**SECTION 2.** Said submission shall be filed of record in the office of the prothonotary or clerk of the court in which the suit is pending, and notice thereof, in writing, shall be duly served on the person thus selected as referee; if he accepts, he shall do so within twenty days after such service, by filing in the office of the said prothonotary or clerk his written acceptance, with his oath or affirmation faithfully and impartially to perform his duties as referee, to the best of his ability, otherwise the appointment may be regarded as not accepted and the submission as void; and said referee shall also, within the said twenty days, by writing filed in said office, appoint the time and place of hearing; but the place shall be at the court house of the county or city where the case is pending, unless the parties and referee agree upon a different place.

Submission to be filed, and referee notified.

Acceptance and oath of referee.

To appoint time and place of hearing.

**SECTION 3.** Said referee shall proceed, without undue delay, to perform the duties of his appointment, and shall, in all things pertaining to the trial and decision of the case, have the powers and perform the duties that would belong to the court under a like submission. The decision, together with what pertains to it, shall be filed of record in the case, and shall, in like manner and to the same extent, be subject to exceptions and writ of error or appeal, as in cases submitted in like manner to the court; but this is not, to be construed to prevent the parties from waiving the right to a writ of error or appeal.

His duties and powers.

Decision to be filed.

To be subject to exceptions, and writ of error or appeal.

**SECTION 4.** The supreme court may, after the decision or judgment of such referee has been by due course of law brought before them, remit the case for further hearing before the referee, or make such other or further order as may be proper to protect the rights of the parties.

Power of supreme court on appeals.

**SECTION 5.** The referee, so far as relates to the case and the duties he is to perform as referee, shall, after acceptance of his appointment, be subject to the same control by the supreme court as the court below would be in regard to a cause submitted to them in like manner.

Referee subject to control of supreme court.

**SECTION 6.** An agreement to submit under this act shall be a waiver of the right of trial by jury; but if the referee shall die before rendering his decision, or if it becomes impossible for him to act, or for the parties to obtain his decision in a reasonable time, through the fault of said referee, the court in which the suit is pending, after proper application by a party in interest, may, after due notice to the other parties, set aside the agreement of submission, and in such case the costs accrued shall be treated in all respects as part of the docket costs.

Agreement a waiver of jury trial.

When agreement of submission may be set aside.

**SECTION 7.** The judgment entered upon the decision of such referee shall be considered a judgment of the court, and thereafter the power of the referee in regard to it shall end, unless by order of the supreme court the case is referred back to said referee.

Judgment on decision of referee.

**SECTION 8.** Said referee shall receive the sum of ten dollars per day for the time he is engaged in the performance of his duties as referee, to be taxed and paid as part of the costs of the case, and the said referee shall make out his bill, with

Compensation of referee.



affidavit attached, and submit the same to the court, and thereupon the court shall, after due examination, direct the taxation of so much costs as the referee is by law entitled to have.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

### No. 103.

### AN ACT

To provide for the ordinary expenses of the executive, legislative and judicial departments of the commonwealth, interest on the public debt, and for common schools, for the year, Anno Domini one thousand eight hundred and seventy-four.

#### Appropriations.

SECTION 1. *Be it enacted, &c.,* That the following sums be and the same are hereby specifically appropriated to the several objects hereinafter named, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and seventy-four, to be paid out of any moneys in the treasury not otherwise appropriated.

#### Salaries of officers and employees, and expenses of departments.

SECTION 2. For the payment of the salaries of the several state officers, the clerks and employees in the several departments of the state government, and for the incidental expenses of the said departments, the sum of one hundred and eighty thousand dollars, or so much thereof as may be necessary, the same to be paid by the state treasurer in the amounts and in the manner prescribed by law.

#### Common and normal schools.

SECTION 3. For the support of the common schools for the school year, which will begin on the first Monday in June, Anno Domini one thousand eight hundred and seventy-four, to be paid on warrants to be drawn by the superintendent, in favor of the several school districts of this commonwealth, the sum of one million dollars inclusive of the salaries of the county superintendents, and inclusive of the sum of twenty thousand dollars for the education of teachers in the normal schools of this commonwealth, to be applied in the same way and under the same conditions as a similar appropriation was directed to be applied by the general appropriation act, approved the eleventh day of April, one thousand eight hundred and sixty-six: *Provided*, That each student in a normal school drawing an allowance from the state must receive regular instruction in the science and art of teaching, in a special class devoted to that object for the whole time such an allowance is drawn. In the allowance to soldier students to normal schools no distinction shall be made on account of age; and that all examinations of the graduating classes at the normal schools shall be conducted by a board, of which the state superintendent or his deputy shall be president, of two principals of normal schools, of whom the principal of the school where students are under examination shall be one, and two county, city or borough superintendents of the district in which the school is located,

to be appointed by the state superintendent: *Provided*, That the city of Philadelphia shall be entitled to a proper proportion of this appropriation without contributing to the salaries of the county superintendents, and that the sum of three thousand dollars of the amount received by the city of Philadelphia shall be paid to the teachers' institute of said city for its corporate purposes.

SECTION 4. For the public printing, folding, stitching and binding, fifty thousand dollars, or so much thereof as may be necessary, on settlement of the accounts of the public printer according to law, the account for the same to be audited and settled in the usual manner by the auditor general, and for deficiency in the account of the state printer, for the year expiring June first, one thousand eight hundred and seventy-three, nine thousand two hundred and two dollars.

Public printing  
and binding.

SECTION 5. To the publishers of the Legislative Journal, fourteen dollars per page, in accordance with the contract, the amount to be settled by the auditor general as per contract, and for making out an index to the journal, the further sum of three hundred dollars.

Publishers of Leg-  
islative Journal.

SECTION 6. For expenses incurred by George F. Reinhard, late superintendent public buildings and grounds, as per vouchers on file in state treasurer's office, five thousand five hundred and sixteen dollars and sixty-seven cents.

Expenses incurred  
by late superin-  
tendent of public  
grounds.

For additional expenses in re-fitting executive mansion, as per bills rendered, four thousand three hundred and thirty-eight dollars and thirty-five cents.

Re-fitting execu-  
tive mansion.

For steam heating apparatus in new addition to executive departments, for purpose of heating the several departments, five thousand dollars, as per contract; and the state treasurer is hereby authorized to make such alterations as may be necessary in remodeling and refitting his office, the expense to be paid out of any moneys in the treasury not otherwise appropriated.

Heating apparatus  
in executive de-  
partment.

For necessary repairs and improvements to the public buildings and grounds, eight thousand dollars, or so much thereof as may be necessary.

Improvements to  
public buildings  
and grounds.

For necessary repairs and improvements at the executive mansion two thousand dollars.

For winding and oiling the clock on the capitol and repairing the same, the sum of one hundred and twenty-five dollars, to be paid on account certified by the clerks of the two houses; and the superintendent is hereby required to make a detailed statement of his expenditures to the next legislature.

Winding clock in  
capitol.

Superintendent to  
report to legisla-  
ture.

SECTION 7. For the payment of the city of Harrisburg for supplying the public buildings with water, according to the act of twenty-eighth April, Anno Domini one thousand eight hundred and forty, the sum of six hundred dollars, and also for gas for the public buildings and the walks, such amount as may be found due the Harrisburg Gas Company, on the contract with the company, and upon a regular account being rendered to the auditor general, who is hereby authorized to examine and settle the same, in the same manner as

Water and gas for  
public buildings  
and grounds.

other accounts are settled in said department, in pursuance of its charter and supplements, to be paid on the warrant of the auditor general.

Fire companies,  
Harrisburg.

SECTION 8. For the fire companies of the city of Harrisburg, the sum of seven hundred dollars, to be distributed in equal amounts to and among said companies.

Salaries and mileage of judges.

SECTION 9. For the payment of the salaries and mileage of the president and other law judges of the several courts of common pleas in the commonwealth, the judges of the supreme court and the judges of the separate orphans' courts, the sum of four hundred and seventy-five thousand dollars, or so much thereof as may be necessary, and for the payment and mileage of the associate judges of the courts of this commonwealth, the sum of fifty thousand dollars, or so much thereof as may be necessary.

Expenses of legislature.

SECTION 10. For the payment of the expenses of the legislature, including the pay and mileage of members, clerks and officers of each house, appointed for the session of one thousand eight hundred and seventy-four, and the amount authorized by law for stationery and postage, the sum of three hundred and seventy-five thousand dollars, or so much thereof as may be necessary.

Librarians, senate and house.

For librarian of the senate and the librarian of the house, each four months extra service during the recess, at the same rate as transcribing clerks; the librarian of the senate to place forty-two copies of the Daily Legislative Journal at the public bindery to be bound, thirty-six copies for the use of the senators and principal clerks, four copies for the state library, and two to be reserved for the use of the senate, and to be distributed to the senators and clerks by the librarian. The resident clerk shall receive from the state printer the bound copies of Daily Journal, and forward a copy to each member of the house, and the sum of two hundred and fifty dollars is hereby appropriated for paying the expenses of forwarding the same.

Distribution of  
Daily Journal.

Interest on state  
debt.

SECTION 11. For the payment of the interest of the funded debt of the commonwealth, which falls due on the first days of July and August, Anno Domini one thousand eight hundred and seventy-four, and the first days of January and February, Anno Domini one thousand eight hundred and seventy-five, the sum of one million five hundred thousand dollars, or so much thereof as may be necessary.

Interest on Chambersburg certificates.

SECTION 12. For the payment of the interest on the certificates of loan issued for the relief of the citizens of Chambersburg for war damages, the sum of five thousand five hundred dollars, or so much thereof as may be necessary.

Miscellaneous expenses in offices of resident clerk of house and clerk of senate.

SECTION 13. For the payment of postage, labor and other miscellaneous expenses in the office of resident clerk of the house of representatives during the recess, the sum of fifteen hundred dollars, and for similar expenses in the office of the clerk of the senate, the sum of eight hundred and fifty dollars, or so much thereof as may be necessary, to be settled by the auditor general in the usual manner.

Chaplains, senate and house

SECTION 14. For the payment of the chaplain of the house of representatives, the sum of four hundred and fifty dollars,

and for the payment of the chaplain of the senate, four hundred and fifty dollars.

SECTION 15. That the state treasurer is hereby authorized and directed to pay to each of the chief clerks for the expense of indexing the journals, the sum of two hundred and fifty dollars.

Indexing journals of legislature.

SECTION 16. The state treasurer is hereby authorized and directed to pay out of any moneys in the treasury not otherwise appropriated, such sum as may be required by contract made in pursuance of law for the payment of stationery, printing, paper and fuel furnished to the several departments of the government, and the printing, binding and distribution of the laws, journals and department reports.

Stationery and fuel for departments, and distribution of laws, journals, &c.

SECTION 17. For M. S. Quay, secretary of the commonwealth, for services in connection with the adoption of the new constitution, and yet to be performed in relation thereto, the sum of fifteen hundred dollars, payable from the appropriation for the expenses of the convention to revise the constitution.

M. S. Quay.

SECTION 18. For the purpose of enlarging the hall of the house of representatives and building the necessary extension thereto and re-fitting the halls of the two houses, the sum of thirty thousand dollars, or so much thereof as may be necessary; the expenses for the enlargement of the capitol to be expended under the direction of the commissioners of public buildings, and those for re-fitting the halls of the two houses, to be expended under the direction of the chief clerks of the respective houses; and the said clerks and the commissioners of public buildings are hereby directed, before entering upon the expenditure of the sums herein appropriated, to advertise for bids for the work to be done, in the manner provided in the act of March sixteenth, one thousand eight hundred and seventy-four, relative to contracts for supplies to the legislature.

Enlarging halls of house of representatives, and re-fitting halls of the two houses.

SECTION 19. For furnishing, repairing and papering surveyor general's office, and repairs to steam heating apparatus, five hundred dollars, or so much thereof as may be necessary.

Repairs to surveyor general's office.

For furniture and repairs at the executive department and office of the secretary of the commonwealth, two thousand dollars.

Repairs at executive and state departments.

For expense of editing, compiling, preparing for publication and preparing indices of the proceedings of the board of war and other historical papers of the commonwealth heretofore unpublished, the sum of twenty-five hundred dollars.

Compilation of minutes of board of war and other papers.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 104.

## AN ACT

Relating to parties engaged in the storage and transportation by pipe lines of crude and refined petroleum oil, and the issuing of fraudulent receipts, certificates or vouchers, and providing for monthly reports.

The transportation and storage of petroleum to be conducted according to act.

Issue of false certificates, &c., forbidden.

No duplicates to be issued whilst originals are outstanding and uncanceled.

Exception.

No oil to be delivered upon original receipt, &c., after duplicate issued.

No receipt, &c., to be re-issued after delivery made.

No delivery to be made except on surrender of receipt, &c.

Of issue of duplicates in cases of loss of originals.

Certificates, &c., transferable by indorsement.

SECTION 1. *Be it enacted, &c.,* That every corporation, association, company, person or persons, who shall engage or continue in the business of transporting by pipe lines or storing petroleum oil, crude or refined, in this commonwealth, shall conduct such business in conformity with and subject to the provisions of this act.

SECTION 2. No receipt, certificate or other voucher shall be issued, nor shall any order be accepted or liability incurred for the delivery of any petroleum, crude or refined, unless the amount of petroleum, crude or refined, represented by such receipt, voucher, order or liability, shall have been actually received by and shall then be in the custody and control of, the corporation, association, company or person issuing such receipt or voucher accepting such order or incurring such liability. No duplicate receipt or voucher shall be issued, order accepted, or liability incurred for any petroleum, crude or refined, while any former receipt, voucher, order or liability for the same, or any part of the same petroleum oil, crude or refined, shall be outstanding and uncanceled, except in case of a lost receipt, voucher, order or other written liability, when a duplicate of the same plainly marked on the face thereof as a duplicate, and dated and numbered as the original or lost receipt, voucher, order or written liability was dated and numbered, may be issued; and no petroleum oil, crude or refined, shall be delivered upon any original receipt, voucher, order or written liability, after a duplicate thereof shall have been issued. No receipt, voucher, order or written evidence of liability on which petroleum, crude or refined, has once been delivered shall be re-issued. No petroleum, crude or refined, for which a receipt or voucher shall have been issued, order accepted or liability for the delivery thereof incurred shall be delivered, except upon the surrender of the receipt, voucher, order or liability representing such petroleum, crude or refined, or upon proof of its loss; and every receipt, voucher or liability, when once surrendered, and the petroleum, crude or refined, represented by it delivered, shall be canceled. No duplicate shall be issued until after notice of the loss of the original, and of the purpose to have it substituted by a duplicate, shall have been given by advertisement in at least four successive issues of a daily newspaper published in the oil regions of Pennsylvania; and the corporation, association, company or person, which issued the original, shall have the right to require a sufficient bond of indemnity before issuing a duplicate.

SECTION 3. All receipts, certificates or vouchers for petroleum issued by any corporation, association, company, per-

son or persons engaged in the business of transporting by pipe lines or storing petroleum, crude or refined, shall be transferable by the indorsement of the party to whose order such receipt or voucher may be issued, and such indorsement shall be deemed a valid transfer of the property represented by such receipt, certificate or voucher, and may be made either in blank or to the order of another.

SECTION 4. No corporation, association, company, person or persons, engaged in the business of transporting by pipe lines or storing petroleum, crude or refined, shall sell or encumber, ship, transfer, or in any manner remove or permit to be shipped, transferred or in any manner removed beyond the immediate control and custody of the corporation, association, company, person or persons holding the same, any petroleum, crude or refined, without the written consent of the owner of the same, except to preserve it from fire or other sudden danger, and in that case it shall be returned as soon as practicable.

No petroleum to be sold or shipped, &c., without written consent of owner.

SECTION 5. Every corporation, association, company, person or persons, who shall engage or continue in the business of transporting by pipe lines or storing of crude and refined petroleum, shall, on or before the fifteenth day of each month, cause to be made out and posted up in the business office of such corporation, association, company, person or persons, in an accessible and convenient place, for the examination thereof by any person desiring so to do, and shall keep so posted up, for one month, a statement signed by the manager, superintendent, general agent, agent or other person having charge of the accounts of such corporation, association, company or person, and sworn to by such manager, superintendent, general agent, agent or other person, before some officer authorized by law to administer oaths, which statement shall show in a legible and intelligible form, the following details of the business of the previous month.

Sworn statement to be made and posted monthly.

What such statement to show.

*First.* How much petroleum, crude or refined, was in the custody of such corporation, association, company, person or persons at the close of such previous month, and where the same was located or held.

*Second.* How much petroleum, crude or refined, such corporation, association, company, person or persons were liable for the delivery or custody of at the close of such month.

*Third.* How much of such liability for the delivery or custody of petroleum oil, crude or refined, was represented by outstanding receipts or other vouchers.

*Fourth.* That all the provisions of this act have been faithfully observed and obeyed during said month.

*Fifth.* Further, they shall on or before the twentieth days of January, April, July and October, in each year, transmit by mail to the bureau of industrial statistics at Harrisburg, the amount of petroleum transported or stored during the quarter preceding the first days of each of said months.

To make quarterly reports to bureau of statistics.

SECTION 6. All amounts in the statements required by this act, when the petroleum, crude or refined, is handled in bulk, shall be given in barrels and hundredths of barrels, calculated at the rate of forty-two gallons per barrel; and when

How statements to be made.

such petroleum is handled in barrels or packages the number of such barrels or packages shall be given, and such statements shall distinguish between crude and refined petroleum, and shall give the amount of each.

Penalty for violating second section.

SECTION 7. Any corporation, association, company, person or persons who shall make or sign any receipt, voucher or written liability, or accept any order issued in violation of the provisions of the second section of this act, and any corporation, association, company, person or persons who shall sell, transfer or alter such receipt, voucher, written liability or accepted order, in violation of the provisions of the second section of this act, and any corporation, association, company, person or persons, who shall procure either of the same to be done, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars and undergo imprisonment not exceeding one year, or either or both, at the discretion of the court; one-fourth of the fine thus recovered to be paid to the informer and the other three-fourths to the use of the school district wherein the offence shall have been committed.

How appropriated.

Penalty for violating fourth section.

SECTION 8. Any person who shall violate the provisions of the fourth section of this act, and any person who shall procure another to violate the same, shall be guilty of a misdemeanor, and on conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, and undergo an imprisonment not exceeding one year, or either or both, at the discretion of the court; one-fourth of the fine thus recovered to be paid to the informer, and the other three-fourths to the use of the school district wherein the offence shall have been committed.

How appropriated.

Penalties for violating section five.

SECTION 9. Any corporation, association, company or person engaged in the business of transporting by pipe lines or storing petroleum, and each and every officer or agent of such corporation, association, company, person or persons who shall neglect or refuse to make the report required in section five of this act, within the time and in the manner specified in said section, shall forfeit and pay the sum of one thousand dollars, and shall forfeit and pay the additional sum of five hundred dollars for each day after the fifteenth day of the month that the report, as required by said section, shall be delayed, and shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars, and undergo an imprisonment not exceeding one year, or either or both, at the discretion of the court; one-fourth of the fine thus recovered to be paid to the informer, and the other three-fourths to the use of the school district wherein the offence shall have been committed.

How penalties provided in section nine recoverable.

SECTION 10. The penalties provided in section nine of this act may be recovered before any alderman or justice of the peace, or in any court of record of this commonwealth having jurisdiction of the recovery of debts of like amount, and in the manner that debts of like amount are now by law recovered; one-fourth of such penalty shall go to the person

who shall bring suit or institute proceeding for the recovery of such penalty, and the other three-fourths shall go the use of the school district wherein the offence shall have been committed.

How to be appropriated.

SECTION 11. This act shall take effect on and after the first day of July, Anno Domini one thousand eight hundred and seventy-four.

When act to take effect.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 105.

## AN ACT

Relating to accounts of the several county officers of this commonwealth.

SECTION 1. *Be it enacted, &c.,* That the treasurer of the city of Philadelphia, and all county and city treasurers, every recorder of deeds, register of wills, prothonotary, clerk of the court of quarter sessions and clerk of orphans' court in the commonwealth, are hereby required to render to the auditor general and state treasurer quarterly returns of all moneys received by them for use of the commonwealth, from tax on original writs, judgments, amicable actions, *certiorari* and transcripts from justices of the peace, as now provided by law, designating under proper heads the source from which the money was received; and all such moneys so collected shall be paid into the state treasury quarterly, or oftener, if required by the state treasurer.

County officers to make quarterly returns of state tax received on process, &c.

To be paid into state treasury.

SECTION 2. The quarterly returns provided for in the preceding section shall be rendered by the treasurer of Philadelphia, and all county and city treasurers and all other county officers named therein, on the first Monday of July next, and quarterly thereafter.

When returns to be made.

SECTION 3. Any officer who shall refuse or neglect to make the returns and pay over the amount due the commonwealth within thirty days, as required by the preceding section of this act, shall forfeit his fees and commissions on the whole amount of money collected during the quarter; and in case the return is not made within thirty days after such return is due, and the money due the commonwealth paid into the state treasury, a penalty of ten per cent. shall be added to the amount of tax found due.

Penalties for neglect to make returns, or pay over moneys.

SECTION 4. The state treasurer and auditor general (or any agent appointed by either of them) are hereby authorized to examine the accounts of any county officer who shall refuse to make the returns within the time specified as required by the third section of this act, and upon the report of such agent shall proceed to settle an account against such office in the same manner that accounts are now settled against county officers: *Provided*, That if the amount of said account is not paid into the treasury within fifteen days from date of settlement, then said account shall be placed in

Examination of accounts of officers refusing to make returns, authorized.

Accounts to be settled against them.

When to be given attorney general for collection.



Interest.

Fifty per cent. to  
be added thereto.State treasurer  
may proceed  
against sureties.

Repeal.

the hands of the attorney general for collection, and shall bear interest from fifteen (15) days after date of settlement at the rate of twelve per cent. per annum: *And provided further*, That to every such account settled, fifty per cent. on the amount due the commonwealth shall be added, to include any losses which might otherwise accrue to the commonwealth from such neglect or refusal to furnish the returns and pay over the amount found due.

SECTION 5. The state treasurer may, if he deem it conducive to the public interest, proceed immediately against the sureties of any officer who shall neglect to render his returns and pay over the amount due the commonwealth.

SECTION 6. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 106.

### AN ACT

Making an appropriation for the payment of Purdon's Digest furnished members of the House of Representatives.

SECTION 1. *Be it enacted, &c.*, That the sum of one thousand two hundred and sixty dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the payment of one hundred and five copies of Purdon's Digest, furnished to the members of the House of Representatives.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 107.

### AN ACT

To authorize the auditor general and state treasurer to settle all outstanding claims due for work done and material furnished the constitutional convention.

*Be it enacted, &c.*, That the attorney general, auditor general and state treasurer are hereby authorized to settle with all persons having claims against the state, on account of work done and material furnished for the constitutional convention, which remained unsettled at the time of the final adjournment of said convention, and the state treasurer is hereby authorized to pay all claims upon the warrants of the auditor general therefor: *Provided*, That the whole amount does not exceed one thousand dollars.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 108.

## AN ACT

To carry out the provisions of article three, section twelve of the constitution, relative to contracts for reporting and printing the Legislative Record.

SECTION 1. *Be it enacted, &c.*, That on Monday the first day of June, one thousand eight hundred and seventy-four, and on the first Monday in June of every fourth year thereafter, the speakers of the senate and house of representatives shall meet in the hall of the senate at twelve o'clock, and receive proposals for the publishing of the Legislative Record for the term of four years, at a certain rate per centum below the rates specified in this act, and the speakers shall, in the presence of the bidders, open and publish all the proposals made, and shall proceed to allot the same to the person or persons who may propose to execute the same at the highest rate per centum below the rates fixed by this act; and the person or persons to whom the said Legislative Record shall be allotted shall be required to execute the same in a manner provided for in this act, and shall execute a bond to the commonwealth, with at least two sufficient sureties, in the sum of five thousand dollars; the said bonds shall be approved by the president judge of the district in which the said sureties reside; bond to accompany the proposal for the acceptance and faithful performance of the contract in the manner provided for in this act. And in case the person or persons fail to comply with said contract, the speakers shall allot the same to the next lowest bidder, and the party and sureties shall be held responsible for the difference which the state may have to pay.

The publishing of Legislative Record to be given to lowest bidder.

Terms.

Proposals.

Persons to whom Record allotted, to give bond.

Failure to comply with contract.

That the said proposals shall be sealed and delivered to the speakers on or before the first Monday in June, at twelve o'clock M.: *Provided*, The secretary of the commonwealth, as soon after the passage of this act as practicable, shall cause by publication in two daily papers in the cities of Harrisburg, Philadelphia and Pittsburg, of the time when proposals will be received for the first allotment under this act, and every fourth year thereafter fixed by this act for allotting the same.

When proposals to be delivered.

Public notice to be given.

SECTION 2. The said publication to be styled the Legislative Record, to be under the superintendency of the superintendent of public printing and the printing committee of the two houses, and to be issued under the following conditions and regulations, to wit:

Publication, what to be styled, &c.

The said Record to be printed on good quality white printing paper, to consist of not less than four pages each number; the pages to be of the same form and size of the Legislative Record of eighteen hundred and seventy-four; matter to be inserted as closely as possible, without unnecessary spaces; to contain record of the proceedings of the two houses, including notices of presentation and disposition of memorials, petitions and remonstrances, the introduction, reference and action upon bills and resolutions, sketches of

How Record to be printed, and what to contain.

debates, the yeas and nays upon all questions, and generally such particulars as shall fairly exhibit the action of the two houses; and it shall also contain such reports, bills and other documents or matters as may be ordered to be inserted therein by either house.

Number of copies to be printed.

SECTION 3. Six thousand copies of each number to be printed for the use of the house and senate, four thousand for the house, and two thousand for the senate, to be delivered to the sergeant-at-arms of each house respectively. The said Record to be published daily except Sundays, whenever sufficient matter is on hand to fill not less than four pages. And the rate fixed by this act shall be sixteen dollars for each full page of every issue of said Record, to be paid from time to time as the work progresses.

To be published daily.

Rate of compensation.

Contractors to report proceedings at their own expense.

SECTION 4. And the said contractor or contractors to procure accurate reports of proceedings for said Record, at their own proper expense, and faithfully conduct and execute said publication, and perform all the duties and obligations herein specified. The proceedings of both houses are to appear on the day following the one on which they occur, and the failure to report, print and deliver the said proceedings for two consecutive legislative days shall be a forfeit of the contract.

When proceedings to appear.

Forfeiture of contract.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 109.

### AN ACT

To enforce the sixth section of the seventeenth article of the constitution of this commonwealth, providing that no president, director, officer, agent or employee of any railroad or canal company shall be interested in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

Officers, &c., not to be interested in furnishing supplies.

SECTION 1. *Be it enacted, &c.,* That no president, director, officer, agent or employee of any railroad or canal company of this commonwealth shall hereafter be interested in any contract for the furnishing of material or supplies to any such railroad or canal company, and it shall not be lawful for such president, director, officer, agent or employee, to institute or maintain any action at law or suit in equity to recover under such contract for his or their interest therein: *Provided however,* That all rights under *bona fide* contracts made prior to the first day of January, Anno Domini one thousand eight hundred and seventy-four, shall not be in anywise thereby affected.

Not to engage in transportation business.

SECTION 2. No president, director, officer, agent or employee of any railroad company or canal company of this commonwealth, shall hereafter be engaged in the business of transportation as a common carrier of freight by any express or other freight line, or in the transportation of passengers

by any sleeping or parlor car or other line, over the works owned, leased or controlled or worked by such company; and any profit realized by such president, director, officer, agent or employee, in violation of the provisions of this section, shall belong to and be recoverable by such railroad or canal company: *Provided*, Suit therefor shall be commenced within one year after the discovery of such violation.

Any profit realized, to belong to company.

SECTION 3. Nothing, however, in this act contained, shall prevent any president, director, officer, agent or employee from being a shareholder in any incorporated or joint stock company or association: *Provided however*, That no director interested as a shareholder, as aforesaid, shall vote upon any contract for furnishing material or supplies to be entered into with any other incorporated or joint stock company or association in which he is likewise interested as a shareholder; and no contract shall be made by any officer, agent or employee, for furnishing material or supplies with any incorporated or joint stock company or association, in which such officer, agent or employee is likewise interested as a shareholder, unless in pursuance of an order of the board of directors or of a proper disinterested superior officer of such railroad or canal company. Any violation of the provisions of this act shall be punished by a fine not exceeding five hundred dollars.

Not to prevent officers, &c., from being shareholders in corporations.

When a director not to vote on contract for supplies.

When contract not to be made except by order of directors, &c.

Punishment for violating act.

SECTION 4. This act to take effect January first, one thousand eight hundred and seventy-five.

When act to take effect.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 110.

## AN ACT

To prevent traffic in children.

SECTION 1. *Be it enacted, &c.*, That all and every person or persons, whether parent, relative, guardian, employer or otherwise, having in his or their care, custody or control, lawful or unlawful, any minor under the age of eighteen years, who shall apprentice, give away, let out, hire or otherwise dispose of such minor or minors to any person, for the purpose of singing, playing on musical instruments, begging, or for any mendicant business whatsoever, in the streets, roads and other highways of this commonwealth, and who-soever shall take, receive, hire, employ, use or have in custody any such minor for the vocation, occupation, calling, service or purpose of singing, playing upon musical instruments or begging upon the streets, roads or other highways of this commonwealth, or for any mendicant business whatsoever, shall be deemed to be guilty of a misdemeanor, and, upon conviction thereof before any court or other competent tribunal, shall be fined in the sum of not less than fifty dollars nor more than two hundred and fifty (\$250) dollars, to be paid to the commonwealth for each offence, or suffer im-

prisonment in a county jail for a period of not less than sixty (60) days, nor more than one year, or both such fine and imprisonment at the discretion of the court.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 111.

### AN ACT

Defining the duties of directors of the poor where such office exists in the several counties of this commonwealth.

SECTION 1. *Be it enacted, &c.,* That it shall not be lawful for any director of the poor, in any county of this commonwealth where said office exists, to be concerned or personally interested in any contract for furnishing supplies for the maintenance of the poor, or for the construction or improvement of property under their control. Any violation of the provisions of this act shall be deemed a misdemeanor in office, and upon conviction thereof, the party or parties so offending shall be fined in a sum not exceeding five hundred dollars, and shall be adjudged by the court to be removed from office: *Provided,* That nothing herein contained shall be construed to prevent such director of the poor from receiving his lawful compensation while necessarily attending in his official character to any of the duties enjoined upon him by his office.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 112.

### AN ACT

To construe the twenty-first section of an act, entitled "An Act to amend and consolidate the several acts relating to game and game fish," approved May first, Anno Domini one thousand eight hundred and seventy-three.

SECTION 1. *Be it enacted, &c.,* That the twenty-first section of an act, entitled "An Act to amend and consolidate the several acts relating to game and game fish," approved May first, one thousand eight hundred and seventy-three, which reads as follows: "Any person trespassing on any lands for the purpose of taking fish from any private pond, stream or spring, after public notice on the part of the owner or occupant thereof, such notice being posted adjacent to such pond, stream or spring, shall be deemed guilty of trespass, and in addition to damages recoverable by law, shall be liable to the owner, lessee or occupant in a penalty of one hundred dollars for every such offence," shall be construed to apply only to such ponds, streams or springs as shall be

used or improved by the owners or lessees for the propagation of fish or game fish.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 113.

AN ACT

To provide for the education and maintenance of the destitute orphans of deceased soldiers and sailors, and the destitute children of permanently disabled soldiers and sailors of this state.

WHEREAS, By the provisions of an act, entitled "An Act Preamble. to provide for the education and maintenance of the destitute orphans of deceased soldiers and sailors, and the destitute children of permanently disabled soldiers and sailors of the state," approved the ninth day of April, Anno Domini one thousand eight hundred and sixty-seven, it was the manifest intention of the state to provide for all cases named in said title:

And whereas, By the restrictions imposed in section fifteenth of act to provide for the ordinary expenses of the government and other the general and specific appropriations for the year, Anno Domini one thousand eight hundred and seventy-three, approved the ninth day of April, one thousand eight hundred and seventy-three, all children born after January first, one thousand eight hundred and sixty-six, were thereby excluded from the benefits of this system; therefore,

SECTION 1. *Be it enacted, &c.,* That all the children of deceased soldiers who were formerly residents of this state and enlisted into the service of the United States in regiments belonging to other states and died in said service, such children now residents of this state, and the children of deceased, destitute or permanently disabled soldiers or sailors, whether born after or before January first, one thousand eight hundred and sixty-six, shall be admitted into the soldiers' orphans' schools on the same conditions as the orphans of deceased soldiers and sailors are now admitted: *Provided,* The number shall not exceed one hundred.

Children now excluded from benefits of schools, to be admitted to same.

SECTION 2. The superintendent of orphans' schools is hereby required to present in his annual report a full list of all children admitted under the provisions of this act: *Provided,* That all children remaining in schools under the care of the state shall be discharged on the thirty-first day of May, one thousand eight hundred and seventy-nine, and that the business of the soldiers' orphans' school department shall be then finally closed.

Number limited.

Superintendent to report list of such children.

When business of department to be finally closed.

SECTION 3. All laws inconsistent or conflicting with this act are hereby repealed.

Repeal.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 114.

## AN ACT

To authorize the appointment of stenographers in the several courts of this commonwealth, prescribing their duties and fixing their compensation.

Courts may ap-  
point stenograph-  
ers.

SECTION 1. *Be it enacted, &c.,* That the judges of each of the several courts of this commonwealth are hereby authorized, in their discretion, to appoint a stenographer to be attached to the court, who shall hold his position during the pleasure of the court.

To be sworn.

SECTION 2. That the stenographer so appointed shall be competent in the practice of his art, and shall duly qualify, under oath. It shall be the duty of said stenographer to take full stenographic notes of the testimony in all proceedings in any trial of facts, together with the charge of the judge; and said notes shall be deemed and held to be official, and the best authority in any matter of dispute, and a copy of the same made, as hereinafter provided, shall be used by the parties to the cause in any further proceedings, wherever the use of the same may be required.

Their duties.

Notes to be deemed  
official.

Compensation.

SECTION 3. That the said stenographer shall be paid a compensation at the rate of ten dollars per day for every day actually spent by him in said court in the taking of notes, and be allowed and furnished all the necessary stationery for the performance of his duties. Said compensation to be paid by the state in the case of the supreme court stenographer, and by the county or counties forming the judicial district in the case of the stenographer appointed in said district, upon the order of the judge presiding: *Provided*, That in no county of this commonwealth having less than two hundred thousand inhabitants shall such short-hand clerk receive a greater compensation than twelve hundred dollars per annum.

To furnish copy of  
notes on request.

SECTION 4. That it shall be the duty of said stenographer to furnish a copy of the notes of testimony written out in long-hand, upon the request of the judge, without further charge: *Provided*, That in case either party to the action shall request or require a transcript of the said notes, the said stenographer shall furnish the same, and shall be entitled to be paid therefor the sum of fifty (50) cents for each hundred words so transcribed.

Employment of  
assistant au-  
thorized.

SECTION 5. That the said stenographer may, with the consent of the presiding judge, employ an assistant stenographer to aid him in the discharge of his duties, who shall also qualify under oath, but whose compensation shall be paid by said stenographer out of the compensation hereinbefore provided.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 115.

## AN ACT

Supplementary to an act relating to the commencement of actions, approved June thirteenth, one thousand eight hundred and thirty-six, applying the writ of foreign attachment to actions *ex delicto*.

SECTION 1. *Be it enacted, &c.*, That the forty-fourth section of an act relating to the commencement of actions, approved the thirteenth day of June, Anno Domini one thousand eight hundred and thirty-six, be so amended as to allow the issuing of the writ of foreign attachment, prescribed by the forty-third section of said act, in all cases wherein any person who, being a resident of this commonwealth, shall have removed therefrom, after having become liable in an action *ex delicto*. Foreign attachment applicable to actions *ex delicto*.

SECTION 2. But no such writ shall be issued in the cases provided by this supplement, except upon oath or affirmation, previously made by the person having such right of action *ex delicto*, or by some one in his behalf, of the truth of the claim and of the facts upon which such attachment shall be founded, as well as that he verily believes that the person has removed to escape service of process to answer for such alleged tort, which oath or affirmation shall be filed of record. Oath to be made before writ issued.

SECTION 3. All the proceedings subsequent to the issue of such writ of foreign attachment in the cases aforesaid, shall be the same as those provided by the act to which this is a supplement, and the various supplements thereto. Proceedings subsequent to issue of writ.

SECTION 4. The remedy provided by this supplement shall be in addition to all other remedies provided by law in actions *ex delicto*. Remedy to be an additional one.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 116.

## AN ACT

To provide for the expenses required by an act, entitled "An Act to provide for the continuance of the education and maintenance of the destitute orphans of the deceased soldiers and sailors, and the destitute children of permanently disabled soldiers and sailors of the state," approved April ninth, one thousand eight hundred and sixty-seven.

SECTION 1. *Be it enacted, &c.*, That the following sums be and the same are hereby specifically appropriated to the several objects hereinafter named, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and seventy-four, to be paid out of any money in the treasury not otherwise appropriated.

For the superintendent, in addition to his salary as superintendent of common schools, twelve hundred and fifty dollars.



For the salary of chief clerk, eighteen hundred dollars.

For the salary of one other clerk, fourteen hundred dollars.

For the salary of inspector of orphan schools, two thousand dollars, and four hundred dollars for traveling expenses.

For the salary of female inspector of orphan schools, twelve hundred dollars, and four hundred dollars for traveling expenses.

For postage, telegrams and express charges, five hundred dollars, or so much thereof as may be necessary.

For printing and circulating decisions and instructions, two hundred dollars, or so much thereof as may be necessary.

For transferring pupils, two hundred dollars, or so much thereof as may be necessary.

For funeral expenses, four hundred dollars, or so much thereof as may be necessary.

For traveling of the superintendent and his assistants in conducting the annual examinations, five hundred dollars, or so much thereof as may be necessary.

For furniture and miscellaneous expenses, one hundred and fifty dollars, or so much thereof as may be necessary.

For the purpose of aiding deserving soldiers' orphans who leave the schools, at sixteen years of age, to fit themselves for teachers at the state normal schools, seven thousand dollars, to be paid exclusively to females.

For the education and maintenance, including clothing, of each orphan of less than ten years of age, admitted into such orphan homes or institutions as have received appropriations from the state, the sum of one hundred dollars, or so much thereof as may be necessary.

For the education and maintenance, including clothing, of each orphan of less than ten years of age, admitted into such orphan homes or institutions as have received no appropriations from the state, the sum of one hundred and fifteen dollars, or so much thereof as may be necessary.

For the education and maintenance, including clothing, of each orphan above the age of ten years, admitted into such institution as may be selected for them by the proper authorities, and which have received no appropriations from the state, the sum of one hundred and fifty dollars, or so much thereof as may be necessary; the gross amount appropriated for all purposes connected with the soldiers' orphan schools not to exceed one hundred and ten thousand dollars for each quarter, in addition to any surplus that may accrue from the appropriation for the school year ending May thirty-first, one thousand eight hundred and seventy-four, and such moneys not otherwise appropriated as may be returned to the treasury from the loans made to certain schools, under the act of April fifteenth, one thousand eight hundred and sixty-seven, and its supplements; and all accounts to be settled by the auditor general and state treasurer in the usual manner, and to be paid on the warrant of the auditor general; and it is hereby further declared that no child born after the first day of January, Anno Domini one thousand eight hun-

dred and sixty-six, shall be admitted into any of the institutions aforesaid; and it shall be the duty of the superintendent, on or after the first day of June next, to discharge any and all the institutions which have received or which shall hereafter receive any such children, under the provisions of the act of April ninth, Anno Domini one thousand eight hundred and sixty-seven, as shall have arrived at the age of sixteen years; and so much of the act, entitled "An Act to provide for the education and maintenance of the destitute orphans of the deceased soldiers and sailors of the state," approved April ninth, one thousand eight hundred and sixty-seven, as conflicts herewith, be and the same is hereby repealed; and it is hereby declared to be the further duty of the superintendent to prescribe the kind of clothing to be worn by the children of said orphan schools, and to see that each receive an amount of the full value of twenty-five dollars.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

#### No. 117.

#### AN ACT

To provide for the adjustment, settlement and collection of compensation from railroad companies, for railroads located or that may be located on county bridges, and to empower county commissioners to make contracts relating thereto.

SECTION 1. *Be it enacted, &c.,* That any railroad company which has heretofore located or may hereafter locate its railroad upon any county bridge in this commonwealth, is hereby authorized to contract and agree with the commissioners of said county for the use, purchase, removal, replacing or exchange of such bridge, or for the compensation proper to be paid to said county by said company for the use and occupancy of said bridge, or such parts thereof as may be used and occupied by said railroad company; and for that purpose the said commissioners are hereby authorized and empowered to contract and agree with said company, and empowered to do all such acts as may be necessary and proper to effectually carry out such contract; and any such contracts and agreements made by any county commissioners, and all rights, property and privileges granted thereby to any railroad company, are hereby fully approved, ratified and confirmed.

Railroad companies may contract for use of county bridges.

SECTION 2. That all moneys due, or hereafter becoming due, and all obligations that have been heretofore or hereafter may be incurred by said companies, under said agreements and contracts heretofore made or hereafter to be made, may be collected and enforced in the same manner as debts of like amount are now recovered in this commonwealth.

How moneys due under contracts collectible.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 118.

## AN ACT

To authorize the issuing of letters patent to certain corporations.

SECTION 1. *Be it enacted, &c.,* That upon the application of the president and secretary of any corporation heretofore or hereafter created under any general or special law of this commonwealth, accompanied by due proof that said corporation has complied with all the conditions provided by law and the constitution to enable it to have a corporate existence and transact business, it shall be lawful for the governor to issue letters patent under the great seal of the commonwealth, in such form as he may prescribe, to such corporation, declaring it to be and erecting it into a body corporate or politic in deed and in law.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 119.

## AN ACT

To authorize corporations to increase the security of their bonded indebtedness.

SECTION 1. *Be it enacted, &c.,* That it shall and may be lawful for any corporation existing by or under the authority of any law of this commonwealth, which shall have mortgaged any part of its estate, corporate property and franchises, for the security of all or any portion of its bonded indebtedness, to mortgage its remaining estate, corporate property and franchises, or any part of the same, as a further and additional security for the same bonded indebtedness: *Provided however,* That no lien then existing upon such remaining estate, property and franchises, shall be thereby impaired or affected.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 120.

## AN ACT

Declaring what offices are incompatible.

Certain offices incompatible.

SECTION 1. *Be it enacted, &c.,* That every person who shall hold any office, or appointment of profit or trust, under the government of the United States, whether a commissioned officer or otherwise, a subordinate officer or agent, who is or shall be employed under the legislative, executive or judiciary departments of the United States, and also every member of congress, is hereby declared to be incapable of holding or exercising, at the same time, the office or appoint-

ment of justice of the peace, notary public, mayor, recorder, burgess or alderman of any city, corporate town or borough, resident physician of the lazaretto, constable, judge, inspector or clerk of election under this commonwealth.

**SECTION 2.** The holding of any of the aforesaid offices or appointments under this state, is hereby declared to be incompatible with any office or appointment under the United States, and every such commission, office or appointment, so holden under the government of this state, contrary to the true intent and meaning of this act, shall be and is hereby declared to be null and void.

Office under United States incompatible with state office.

**SECTION 3.** If any person after the expiration of six months from the passing of this act, shall exercise any offices or appointments, the exercise of which is by this act declared to be incompatible, every person so offending shall for every such offence, being thereof legally convicted in any court of record, forfeit and pay any sum not less than fifty nor more than five hundred dollars, at the discretion of the court, one moiety of the said forfeiture to be paid to the overseers, guardians or directors of the poor of the township, district, county or place where such offence shall have been committed, to be applied to the support of the poor, and the other moiety thereof to the prosecutor who shall sue for the same.

Penalty for exercising incompatible offices.

**SECTION 4.** No person hereafter elected shall be capable of holding and exercising, at the same time, the office of justice of the peace and that of prothonotary or clerk of any court.

Office of justice of peace and prothonotary incompatible.

**SECTION 5.** The offices of associate judge and justice of the peace shall be incompatible with each other.

Of associate judge and justice.

**SECTION 6.** No district attorney shall be eligible to a seat in the Legislature, or to any other office under the laws and constitution of the state, during his continuance in office.

District attorneys ineligible to any other office.

**SECTION 7.** No county commissioner shall be eligible to serve as member of the board of health, or director of the public schools, during his continuance in office.

County commissioners ineligible to certain offices.

**SECTION 8.** No alderman or practicing attorney shall be eligible to the office of an inspector of the county prison.

Aldermen and attorneys ineligible as prison inspectors.

**SECTION 9.** No person shall, at the same time, be a member of more than one of the following bodies, to wit: The city councils, the guardians of the poor, the board of health and the inspectors of the county prison, nor shall any person be a member of any of these bodies who is at the same time a salaried officer under the same or under any of them.

Other incompatible offices.

**SECTION 10.** It shall not be lawful for any member of either branch of the legislature to hold or to exercise the office of councilman in any incorporated city of this commonwealth.

Members of legislature and of city councils.

**SECTION 11.** No member of council of any city shall be eligible to any office, employment or agency directly chosen by councils, or either branch of them, during the term for which he shall have been elected to councils.

Councilmen ineligible to city offices.

**SECTION 12.** Whenever, by the requirements of any law, a particular residence is a necessary qualification for the election or appointment of any officer, a removal from such residence shall operate as a forfeiture of the office.

Residence as a qualification.

Councilmen not to hold office under councils.

SECTION 13. No member of said councils shall hereafter hold any office or employment in the choice of said councils during the term for which he shall have been elected.

Not to hold city or county offices while members of councils.

SECTION 14. Members of councils shall not hereafter hold any city or county offices in the choice of the people while serving as a member of said councils.

Of disqualification of senators and representatives.

SECTION 15. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this commonwealth; and no member of congress or other person holding any office, except of attorney-at-law or in the militia under the United States or this commonwealth, shall be a member of either house during his continuance in office. They shall receive no other compensation, fees or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this state or any other state.

Repeal.

SECTION 16. All acts or parts of acts inconsistent with this act are hereby repealed.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 121.

### AN ACT

Supplementary to an act, entitled "An Act to provide for the incorporation of gas and water companies," approved the eleventh day of March, eighteen hundred and fifty-seven.

Proviso relative to votes of stockholders, repealed.

SECTION 1. *Be it enacted, &c.*, That the proviso in the third section of the act to provide for the incorporation of gas and water companies, approved the eleventh day of March, eighteen hundred and fifty-seven, which is as follows: "That each stockholder shall be entitled to one vote for each share of stock not exceeding ten shares, and one vote for every five shares exceeding that number," be and the same is hereby repealed.

A stockholder entitled to one vote for every share held.

SECTION 2. That on and after the passage of this act it shall be lawful for each stockholder of the capital stock of any gas or water company, made subject to the provisions of the act to which this is a supplement, to cast one vote for each share of stock so held by any such stockholder at any and all elections held by any of said companies.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 122.

### AN ACT

Relative to forfeitures of charters or grants of special or exclusive privileges to railroad, turnpike and plank road corporations.

SECTION 1. *Be it enacted, &c.*, That railroad corporations heretofore chartered by the legislature, subject to the pro-

visions of the general railroad act, approved the nineteenth day of February, one thousand eight hundred and forty-nine, and the several supplements thereto, and all turnpike and plank road companies duly incorporated, and under which a *bona fide* organization has been made and business commenced in good faith, and an expenditure of at least five thousand dollars has been made for construction, but whose charters or grants of special or exclusive privileges may have been forfeited, or may hereafter be subject to forfeiture by limitation, by reason of the limitation of time fixed in such charters or grants of privileges, such forfeiture or limitation fixed for completion shall be remitted or extended, and shall be held and taken to be remitted or extended, if such corporations so organized, as aforesaid, shall, within one year from the passage of this act, or within one year from the expiration of the time limited for completion, elect to prosecute to completion the public works which were originally authorized to be constructed by their charters, as aforesaid, and shall, at the time of such election, consent in such manner as shall be prescribed by law, to such charters or grants of special or exclusive privileges to the provisions of the constitution of this commonwealth: *Provided*, That all such public works shall be prosecuted to completion within five years from the date of the election aforesaid.

How charters of railroad, turnpike and plank road companies, forfeited by limitation, may be extended.

SECTION 2. The board of directors of any such corporations shall, by resolution, elect to prosecute the public works authorized to be constructed by their charters, and shall cause the same to be recorded on the minutes of the board, and a copy of the same, duly certified, shall be attached to, and with the instrument by which consent is given to subject such charters to the provisions of the constitution of the commonwealth, be filed and recorded in the office of the secretary of the commonwealth.

Directors to elect to prosecute works.

Resolution to be recorded on minutes.

And certified copy filed with secretary of commonwealth.

APPROVED—The 15th day of May, 1874.

J. F. HARTRANFT.

No. 123.

## AN ACT

To provide for the better security of life and property from the dangers of coal and petroleum oils.

SECTION 1. *Be it enacted, &c.*, That no refined petroleum, kerosene, naphtha, benzole, gasoline or any burning fluid, be they designated by whatsoever name, the fire test of which shall be less than one hundred and ten degrees Fahrenheit, shall be sold or offered for sale as an illuminator for consumption within the limits of the commonwealth of Pennsylvania.

Test of burning fluids kept for sale.

SECTION 2. The said fire test shall be determined by an inspector appointed under the provisions of this act, who shall use Tagliabuies, or such other well defined instrument as may be used by the inspectors of export oil, according to

How to be determined.

Certain fluids to be branded "benzine."

Not to be kept for sale or used in lamps.

Penalties.

Not to apply to oils manufactured for export, &c.

Penalty for selling or re-filling barrels without removing brands.

How to be appropriated.

When act to take effect.

Repeal.

with the words "for export." All benzine, naptha, or any hydro-carbons created in the manufacture of refined oil from crude petroleum, or otherwise manufactured, shall be inspected and branded "benzine," and shall not be kept for sale or used in any way for giving light to be burned in lamps; and this act shall not be construed to prohibit their use in making gas to be conveyed through pipes to burners similar to gas in city gas works, to be used for the same purpose; and further, the penalties for violating this section shall be the same as applied to the use of refined oil below legal test.

SECTION 9. Nothing contained in this act shall be construed or held to apply, in any manner, to any kind of oil or fluid manufactured for export from this state, or in transit from one state to another through the limits of this commonwealth.

SECTION 10. Any person or persons who shall sell or cause to be sold any barrel or package, or who shall re-fill the same without first removing the brand of the inspector, shall be liable to a fine of three hundred dollars for every barrel or package sold or delivered or re-filled. Said fines shall be recoverable as other fines of like character are recoverable by law, and one-half shall go to the informer and one-half to the school fund of the district in which the offence was committed.

SECTION 11. The provisions of this act shall take effect immediately.

SECTION 12. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 124.

## AN ACT

To make the redemption money paid by a lien creditor a prior lien on the title of the debtor in the land that is redeemed.

SECTION 1. *Be it enacted, &c.,* That when any lands which, within two years last past have been or hereafter shall be sold for taxes, are redeemed by any person who has a lien, or by such person's heirs, assigns or legal representatives, the redemption money thus paid, with lawful interest from time of redemption thereon, shall be and remain a lien upon such title of the debtor as would have passed to the purchaser under the sale if no redemption had been made, and shall have priority as a lien over other liens against the same title: *Provided however,* That the lien creditor, his heir, assigns or legal representatives, thus redeeming, shall have and is hereby authorized to have the said claim or receipt for redemption money entered by the proper officer as costs on the record where the lien is entered or recorded, and thereupon the said claim shall be treated as docket costs in the proper judgment or mortgage lien, and, together with interest

thereon, shall be preferred in the distribution of the proceeds of any subsequent sale of said property.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

### No. 125.

#### AN ACT

To secure to married women and minors the control of money deposited by them in banks.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act, the board of trustees of any bank in this commonwealth shall have full power, at their discretion, to pay on application the check, proper receipt, or order of any minor or married woman, such money, or any part thereof as he or she may have deposited to his or her credit, or any interest or dividend accruing thereon, without the assent or approbation of the parent or guardian of such minor, or the husband of such married woman, as the case may be; and it shall not be lawful for the parent or guardian of such minor, or the husband or creditors of the husband of such married woman to attach, or in any manner interfere with any deposit, interest or dividend thereon to such minor or married woman.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

### No. 126.

#### AN ACT

Requiring county commissioners, railroad and other corporations to make annual reports to the secretary of internal affairs, in lieu of similar reports heretofore made to the auditor general.

SECTION 1. *Be it enacted, &c.*, That the county commissioners of each county of the state, including the board of revision of the city of Philadelphia, shall, upon the first day of June, one thousand eight hundred and seventy-four, and upon the same day annually thereafter, make out in tabular form, by assessment districts, a full statement of all property taxable for county purposes, showing the real and personal in separate columns, the amount of tax assessed for county purposes, and also the debt of said county, the same to be enclosed by mail to the secretary of internal affairs, at Harrisburg; and in case of refusal or neglect to make such returns, the same may be enforced by mandamus.

County commissioners to make report to secretary of internal affairs.

Report, what to show.

SECTION 2. The secretary of internal affairs, in lieu of the auditor general, shall, after the first day of July, one thousand eight hundred and seventy-five, transmit to the railroad and other corporations named in the act of fourth of April, one

Secretary of internal affairs to transmit blanks to railroad companies, &c.



To prepare returns  
for publication.

thousand eight hundred and fifty-nine, and also in the act of ninth April, one thousand eight hundred and seventy, the blanks required; and upon the reception of such returns he shall arrange the same for publication; and in case of neglect or refusal to make such returns each of such corporations thus refusing shall be subject to the penalties in said acts.

To collect and pub-  
lish report on  
mineral statistics.

SECTION 3. That hereafter the secretary of internal affairs, in lieu of the auditor general, shall send out the blanks required by the act of May ninth; one thousand eight hundred and seventy-one, entitled "An Act for the collection of mineral statistics," and said secretary shall do and perform all the duties enjoined in said act in regard to the collecting, compiling and publishing a report of the same number of copies ordered to be published by the auditor general.

To whom returns  
to be made until  
secretary is quali-  
fied

SECTION 4. Until the secretary of internal affairs shall be duly qualified, the returns required by the provisions of the first and third sections of this act, shall be made to, and the duties thereby imposed performed by the chief of the bureau of statistics.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

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No. 127.

AN ACT

To provide for the recording of deaths of testators and intestates in the office of register of wills.

Affidavit of death  
of decedent to be  
filed with register  
of wills.

SECTION 1. *Be it enacted, &c.,* That all persons applying for letters testamentary or letters of administration shall, before the issue of said letters, file with the register of wills an affidavit, setting forth as nearly as can be ascertained the day and hour of the decedent's death to which said letters respectively relate.

To be recorded.

SECTION 2. All registers of wills are hereby required to file said affidavits, and also to record said date of death with the other records of said decedents' estates respectively.

APPROVED—The 15th day of May, A. D. 1874.

J. J. HARTRANFT.

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No. 128.

AN ACT

Authorizing the collection of contributions for charitable purposes.

SECTION 1. *Be it enacted, &c.,* That it shall be the duty of any corporation, manufacturing establishment or colliery, to retain from and out of the wages or earnings of any person by them employed, on his written order, any contribution or voluntary subscription by such person, made in monthly or other payments, for the support of any hospital or other

charitable institution, and the sum so retained to pay over upon demand to such hospital or other charitable institution; and any payment so made shall be as valid as if paid to the person by whom said wages or earnings were earned: *Provided*, That the hospital or charitable institution claiming the same, shall give notice in writing at least ten days before the time for the payment of said wages or earnings to such corporation, manufacturing establishment or colliery, of the name or names of the person or persons by them employed, who have subscribed to the support of such hospital or charitable institution, and the amount by them severally subscribed, and when or how often payable, and how long to continue, and file said subscription with said corporation, manufacturing establishment or colliery.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

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No. 129.

# AN ACT

Relative to the transfer of the loans of this commonwealth, and of the city of Philadelphia, and to amend the provisions of the twenty-second section of an act, entitled "An Act to authorize the governor to incorporate the Delaware Canal Company, and for other purposes," approved the thirteenth day of April, eighteen hundred and forty-three, and extending the same to the holders of any loans of this commonwealth, or of the city of Philadelphia, domiciled or resident out of this commonwealth, who shall have heretofore died or hereafter die.

SECTION 1. *Be it enacted, &c.*, That the twenty-second section of an act, entitled "An Act to authorize the governor to incorporate the Delaware Canal Company, and for other purposes," approved the thirteenth day of April, Anno Domini eighteen hundred and forty-three, be amended so as to read:

"That if any holder of the loans of this commonwealth, or of the city of Philadelphia, domiciled or resident abroad out of these United States, or in any other state or territory of these United States, shall have heretofore died, or shall hereafter die, it shall and may be lawful for the person or persons duly authorized by the laws of the state or country in which the said foreign loan holder was so domiciled or resident at the time of his or her death, to administer or take charge or possession of the personal estate of the said decedent, in person, or by attorney, duly constituted and appointed, to transfer and assign, upon the books of the proper office or agency, all loans of this commonwealth, or of the city of Philadelphia, held by or standing in the name of such decedent: *Provided always however*, That the person or persons so authorized to administer and take charge and possession of the personal estate of such decedent, or his attorney, shall be required to produce and file full and complete evidence of his authority from the office or tribunal having jurisdiction of the subject, certified under the hand and seal of any

minister plenipotentiary, charge d'affaires, consul or vice consul of the United States: *Provided further*, That before the person authorized to administer the estate of the decedent as aforesaid shall transfer the loans of this commonwealth, or the city of Philadelphia, as above provided, he shall file with the clerk of the orphans' court of the county where the office or agency for the negotiation of the loans of this commonwealth, or the city of Philadelphia, is located, an affidavit stating that the said decedent is not indebted to any person in this commonwealth, and that the proposed transfer is not made for the purpose of removing any of the assets of said decedent beyond the reach of any of his creditors in this commonwealth; and any transfer, by the person authorized as aforesaid to administer the estate of a decedent, of any of the loans aforesaid, without first making and filing the affidavit as above provided, shall be void."

APPROVED—The 15th day of May, A. D., 1874.

J. F. HARTRANFT.

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No. 130.

AN ACT

To provide for the holding of special courts of common pleas for the determination of pending causes.

SECTION 1. *Be it enacted, &c.*, That the president judge of any court of common pleas, in any judicial district established by the act approved April nine, one thousand eight hundred and seventy-four, entitled "An Act designating the judicial districts of this commonwealth," is hereby authorized to call upon the president or any law judge of the district as constituted prior to the passage of said act, to hold a special court in the new district, for the hearing and decision of any motion for a new trial, in arrest of judgment, or any other motion which may have been made prior to the approval of said act; and upon such request, the president or law judge of the district as lately constituted shall hold a special court and hear and decide said cause or motion, and make any order or judgment necessary to the enforcement of the same, and his decision, order or judgment, when filed, shall have the same force and effect as though it had been rendered prior to the passage of the aforesaid act, approved April ninth, one thousand eight hundred and seventy-four.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 131.

## AN ACT

To fix the number of senators and representatives in the general assembly of the state, and to apportion the state into senatorial and representative districts as provided in the constitution.

SECTION 1. *Be it enacted, &c.*, That until the next United States decennial census is taken and an apportionment made thereon, the senate shall consist of fifty members, and the state is hereby apportioned into fifty senatorial districts, each of which shall be known by the number herein attached thereto, and shall each be entitled to elect one senator, as follows, to wit:

First district.—The First, Second and Twenty-sixth wards of the city of Philadelphia.

Second district.—The Third, Fourth, Fifth, Sixth and Eleventh wards of said city.

Third district.—The Sixteenth, Seventeenth, Eighteenth and Twentieth wards of said city.

Fourth district.—The Twenty-first, Twenty-second, Twenty-fourth and Twenty-seventh wards of said city.

Fifth district.—The Fifteenth, Twenty-eighth and Twenty-ninth wards of said city.

Sixth district.—The Seventh, Eighth and Ninth wards of said city.

Seventh district.—The Tenth, Twelfth, Thirteenth and Fourteenth wards of said city.

Eighth district.—The Nineteenth, Twenty-third and Twenty-fifth wards of said city.

Ninth district.—The county of Delaware.

Tenth district.—The county of Bucks.

Eleventh district.—The county of Berks.

Twelfth district.—The county of Montgomery.

Thirteenth district.—The city of Lancaster and the following boroughs and townships in the county of Lancaster, viz: The boroughs of Washington and Strasburg, and the townships of Manor, Lancaster, Conestoga, Pequea, Martic, Providence, Drumore, Fulton, Little Britain, West Lampeter, Strasburg, Colerain, Eden, Bart, Salisbury, Sadsbury, Paradise, Leacock and East Lampeter.

Fourteenth district.—All of the county of Lancaster not included in the Thirteenth district.

Fifteenth district.—The county of Dauphin.

Sixteenth district.—The county of Lehigh.

Seventeenth district.—The county of Lebanon.

Eighteenth district.—The county of Northampton.

Nineteenth district.—The county of Chester.

Twentieth district.—The cities of Scranton and Carbondale, and the following wards, boroughs and townships in the county of Luzerne, viz: The boroughs of Goldsboro', Pleasant Valley, Blakely, Dunmore and Jermyn, and the townships of Blakely, Carbondale, Fell, Jefferson, Roaring Brook, Bear Creek, Buck, Covington, Jenkins, Lackawanna, Madison, Pittston, Plains and Spring Brook.

Twenty-first district.—All of the county of Luzerne not embraced in the Twentieth district.

Twenty-second district.—The counties of Monroe, Pike and Carbon.

Twenty-third district.—The counties of Bradford and Wyoming.

Twenty-fourth district.—The counties of Lycoming, Montour, Sullivan and Columbia.

Twenty-fifth district.—The counties of Tioga, Potter and M'Kean.

Twenty-sixth district.—The counties of Susquehanna and Wayne.

Twenty-seventh district.—The counties of Union, Snyder and Northumberland.

Twenty-eighth district.—The county of York.

Twenty-ninth district.—The borough of Pottsville and the following boroughs and townships in the county of Schuylkill, viz: The boroughs of Pinegrove, Tremont, Minersville, Schuylkill Haven, Port Carbon, Saint Clair, Palo Alto, Mt. Carbon, Cressona, Auburn, Yorkville and Landingville, and the townships of Pinegrove, Tremont, Porter, Frailey, Reiley, Branch, Washington, Wayne, North Manheim, South Manheim, Norwegian, East Norwegian and New Castle.

Thirtieth district.—All of the county of Schuylkill not embraced in the Twenty-ninth district.

Thirty-first district.—The counties of Perry, Mifflin and Juniata.

Thirty-second district.—The counties of Cumberland and Adams.

Thirty-third district.—The counties of Franklin and Huntingdon.

Thirty-fourth district.—The counties of Clinton, Clearfield and Centre.

Thirty-fifth district.—The counties of Blair and Cambria.

Thirty-sixth district.—The counties of Somerset, Bedford and Fulton.

Thirty-seventh district.—The counties of Indiana and Jefferson.

Thirty-eighth district.—The counties of Cameron, Elk, Clarion and Forest.

Thirty-ninth district.—The county of Westmoreland.

Fortieth district.—The counties of Fayette and Greene.

Forty-first district.—The counties of Butler and Armstrong.

Forty-second district.—The city of Allegheny, the boroughs of Bellevue and Sewickley, and the townships of Reserve, Killbuck and Ohio, in the county of Allegheny.

Forty-third district.—The First to the Fifteenth wards, inclusive, and the Twenty-third ward, of the city of Pittsburgh.

Forty-fourth district.—The Sixteenth to the Twenty-second ward, inclusive, and the Thirty-seventh ward, of the city of Pittsburgh, the boroughs and townships of Allegheny county between the rivers Monongahela and Allegheny, and all those boroughs and townships north and west of the Alle-

gheny river, and north of the Ohio river, not included in the Forty-second district.

Forty-fifth district.—The Twenty-fourth to the Thirty-sixth wards, inclusive, of the city of Pittsburg, and the townships and boroughs of Allegheny county, lying south and west of the Monongahela and Ohio rivers.

Forty-sixth district.—The counties of Beaver and Washington.

Forty-seventh district.—The counties of Lawrence and Mercer.

Forty-eighth district.—The counties of Warren and Venango.

Forty-ninth district.—The county of Erie.

Fiftieth district.—The county of Crawford.

SECTION 2. In those senatorial districts which are composed of more than one county, the persons appointed as return judges shall, on the Tuesday following the day of the annual election in November, at two o'clock P. M., meet and cast up the several county returns, and execute under their hands and seals one general and true return of the whole district in triplicate; one copy of which, properly sealed up and addressed, shall be sent by mail to the secretary of the commonwealth; one shall be deposited with the prothonotary of the county wherein the return is executed, and one copy sent to the person receiving the highest number of votes for senator in the district, to wit:

Meetings of return judges.

The return judges of the Twenty-second district shall meet at the court house in the borough of Stroudsburg, Monroe county.

The return judges of the Twenty-third district shall meet at the court house in the borough of Towanda, in the county of Bradford.

The return judges of the Twenty-fourth district shall meet at the court house in the borough of Danville, in the county of Montour.

The return judges of the Twenty-fifth district shall meet at the court house in the borough of Wellsboro', in the county of Tioga.

The return judges of the Twenty-sixth district shall meet at the court house in the borough of Montrose, in the county of Susquehanna.

The return judges of the Twenty-seventh district shall meet at the court house in the borough of Sunbury, in the county of Northumberland.

The return judges of the Thirty-first district shall meet at the court house in the borough of Lewistown, in the county of Mifflin.

The return judges of the Thirty-second district shall meet at the court house in the borough of Carlisle, in the county of Cumberland.

The return judges of the Thirty-third district shall meet at the court house in the borough of Chambersburg, in the county of Franklin.

The return judges of the Thirty-fourth district shall meet at the court house in the borough of Bellefonte, in the county of Centre.

The return judges of the Thirty-fifth district shall meet at the court house in the borough of Hollidaysburg, in the county of Blair.

The return judges of the Thirty-sixth district shall meet at the court house in the borough of Bedford, in the county of Bedford.

The return judges of the Thirty-seventh district shall meet at the court house in the borough of Indiana, in the county of Indiana.

The return judges of the Thirty-eighth district shall meet at the court house in the borough of Ridgway, in the county of Elk.

The return judges of the Fortieth district shall meet at the court house in the borough of Uniontown, in the county of Fayette.

The return judges of the Forty-first district shall meet at the court house in the borough of Kittanning, in the county of Armstrong.

The return judges of the Forty-sixth district shall meet at the court house in the borough of Beaver, in the county of Beaver.

The return judges of the Forty-seventh district shall meet at the court house in the borough of Mercer, in the county of Mercer.

The return judges of the Forty-eighth district shall meet at the court house in the borough of Franklin, in the county of Venango.

Representative  
districts.

SECTION 3. Until the next decennial United States census, and an apportionment be made thereon by law, the house of representatives shall consist of two hundred and one members, and shall be apportioned as follows, viz:

The city of Philadelphia shall elect thirty-eight members, and the said city shall be divided into twenty-eight districts, as follows:

The First ward shall constitute the First district and elect two members.

The Second ward shall constitute the Second district and elect two members.

The Third ward shall constitute the Third district and elect one member.

The Fourth ward shall constitute the Fourth district and elect one member.

The Fifth ward shall constitute the Fifth district and elect one member.

The Sixth ward shall constitute the Sixth district and elect one member.

The Seventh ward shall constitute the Seventh district and elect two members.

The Eighth ward shall constitute the Eighth district and elect one member.

The Ninth ward shall constitute the Ninth district and elect one member.

The Tenth ward shall constitute the Tenth district and elect one member.

The Eleventh ward shall constitute the Eleventh district and elect one member.

The Twelfth ward shall constitute the Twelfth district and elect one member.

The Thirteenth ward shall constitute the Thirteenth district and elect one member.

The Fourteenth ward shall constitute the Fourteenth district and elect one member.

The Fifteenth ward shall constitute the Fifteenth district and elect three members.

The Sixteenth ward shall constitute the Sixteenth district and elect one member.

The Fifth to the Fourteenth divisions, inclusive, of the Seventeenth ward, shall constitute the Seventeenth district and elect one member.

The First, Second, Third and Fourth divisions of the Seventeenth ward, and the Eighteenth ward, shall constitute the Eighteenth district and elect two members.

The Nineteenth ward shall constitute the Nineteenth district and elect three members.

The Twentieth ward shall constitute the Twentieth district and elect two members.

The Twenty-first and Twenty-eighth wards shall constitute the Twenty-first district and elect one member.

The Twenty-second ward shall constitute the Twenty-second district and elect one member.

The Twenty-third ward shall constitute the Twenty-third district and elect one member.

The Twenty-fourth ward shall constitute the Twenty-fourth district and elect one member.

The Twenty-fifth ward shall constitute the Twenty-fifth district and elect one member.

The Twenty-sixth ward shall constitute the Twenty-sixth district and elect two members.

The Twenty-seventh ward shall constitute the Twenty-seventh district and elect one member.

The Twenty-ninth ward shall constitute the Twenty-eighth district and elect one member.

The county of Adams shall be entitled to and shall elect two members.

The county of Allegheny shall be entitled to fourteen members, and the said county is hereby divided into six districts as follows:

The city of Allegheny shall constitute the First district and elect three members.

The First, Second, Third, Fourth, Sixth, Seventh and Eighth wards of the city of Pittsburg shall constitute the Second district and elect two members.

The Fifth, Ninth, Tenth and Twelfth wards shall constitute the Third district and elect one member.

The remaining wards of the city of Pittsburg, being the Eleventh and Thirteenth to the Thirty-seventh ward, inclu-



The return judges of the Thirty-fourth district shall meet at the court house in the borough of Bellefonte, in the county of Centre.

The return judges of the Thirty-fifth district shall meet at the court house in the borough of Hollidaysburg, in the county of Blair.

The return judges of the Thirty-sixth district shall meet at the court house in the borough of Bedford, in the county of Bedford.

The return judges of the Thirty-seventh district shall meet at the court house in the borough of Indiana, in the county of Indiana.

The return judges of the Thirty-eighth district shall meet at the court house in the borough of Ridgway, in the county of Elk.

The return judges of the Fortieth district shall meet at the court house in the borough of Uniontown, in the county of Fayette.

The return judges of the Forty-first district shall meet at the court house in the borough of Kittanning, in the county of Armstrong.

The return judges of the Forty-sixth district shall meet at the court house in the borough of Beaver, in the county of Beaver.

The return judges of the Forty-seventh district shall meet at the court house in the borough of Mercer, in the county of Mercer.

The return judges of the Forty-eighth district shall meet at the court house in the borough of Franklin, in the county of Venango.

Representative  
districts.

SECTION 3. Until the next decennial United States census, and an apportionment be made thereon by law, the house of representatives shall consist of two hundred and one members, and shall be apportioned as follows, viz:

The city of Philadelphia shall elect thirty-eight members, and the said city shall be divided into twenty-eight districts, as follows:

The First ward shall constitute the First district and elect two members.

The Second ward shall constitute the Second district and elect two members.

The Third ward shall constitute the Third district and elect one member.

The Fourth ward shall constitute the Fourth district and elect one member.

The Fifth ward shall constitute the Fifth district and elect one member.

The Sixth ward shall constitute the Sixth district and elect one member.

The Seventh ward shall constitute the Seventh district and elect two members.

The Eighth ward shall constitute the Eighth district and elect one member.

The Ninth ward shall constitute the Ninth district and elect one member.

The Tenth ward shall constitute the Tenth district and elect one member.

The Eleventh ward shall constitute the Eleventh district and elect one member.

The Twelfth ward shall constitute the Twelfth district and elect one member.

The Thirteenth ward shall constitute the Thirteenth district and elect one member.

The Fourteenth ward shall constitute the Fourteenth district and elect one member.

The Fifteenth ward shall constitute the Fifteenth district and elect three members.

The Sixteenth ward shall constitute the Sixteenth district and elect one member.

The Fifth to the Fourteenth divisions, inclusive, of the Seventeenth ward, shall constitute the Seventeenth district and elect one member.

The First, Second, Third and Fourth divisions of the Seventeenth ward, and the Eighteenth ward, shall constitute the Eighteenth district and elect two members.

The Nineteenth ward shall constitute the Nineteenth district and elect three members.

The Twentieth ward shall constitute the Twentieth district and elect two members.

The Twenty-first and Twenty-eighth wards shall constitute the Twenty-first district and elect one member.

The Twenty-second ward shall constitute the Twenty-second district and elect one member.

The Twenty-third ward shall constitute the Twenty-third district and elect one member.

The Twenty-fourth ward shall constitute the Twenty-fourth district and elect one member.

The Twenty-fifth ward shall constitute the Twenty-fifth district and elect one member.

The Twenty-sixth ward shall constitute the Twenty-sixth district and elect two members.

The Twenty-seventh ward shall constitute the Twenty-seventh district and elect one member.

The Twenty-ninth ward shall constitute the Twenty-eighth district and elect one member.

The county of Adams shall be entitled to and shall elect two members.

The county of Allegheny shall be entitled to fourteen members, and the said county is hereby divided into six districts as follows:

The city of Allegheny shall constitute the First district and elect three members.

The First, Second, Third, Fourth, Sixth, Seventh and Eighth wards of the city of Pittsburgh shall constitute the Second district and elect two members.

The Fifth, Ninth, Tenth and Twelfth wards shall constitute the Third district and elect one member.

The remaining wards of the city of Pittsburgh, being the Eleventh and Thirteenth to the Thirty-seventh ward, inclu-

sive, shall constitute the Fourth district and elect four members.

The boroughs and townships lying between the Monongahela and Allegheny rivers, and the boroughs and townships north of the Ohio and west of the Allegheny rivers, shall constitute the Fifth district and elect two members.

And the boroughs and townships lying west and south of the Monongahela and Ohio rivers, including the township of Neville, shall constitute the Sixth district and elect two members.

The county of Armstrong shall elect two members.

The county of Beaver shall elect two members.

The county of Bedford shall elect two members.

The county of Blair shall elect two members.

The county of Bradford shall elect three members.

The county of Bucks shall elect four members.

The county of Butler shall elect two members.

The county of Berks shall be entitled to six members, and shall be divided into two districts, namely :

The city of Reading shall compose the First district and elect two members.

All of the county of Berks, not embraced in the First district, shall compose the Second district and elect four members.

The county of Cambria shall elect two members.

The county of Cameron shall elect one member.

The county of Carbon shall elect two members.

The county of Centre shall elect two members.

The county of Chester shall elect four members.

The county of Clarion shall elect two members.

The county of Clearfield shall elect one member.

The county of Clinton shall elect one member.

The county of Columbia shall elect two members.

The county of Crawford shall elect four members.

The county of Cumberland shall elect two members.

The county of Dauphin shall be entitled to three members, and shall be divided into two districts, namely :

The city of Harrisburg shall constitute the First district and elect one member.

The rest of the said county shall constitute the Second district and elect two members.

The county of Delaware shall elect two members.

The county of Elk shall elect one member.

The county of Erie shall be entitled to four members and shall be divided into two districts, namely :

The city of Erie shall constitute the first district and elect one member.

The rest of said county shall constitute the Second district and elect three members.

The county of Fayette shall elect two members.

The county of Forest shall elect one member.

The county of Franklin shall elect three members.

The county of Fulton shall elect one member.

The county of Greene shall elect one member.

The county of Huntingdon shall elect two members.

The county of Indiana shall elect two members.

The county of Jefferson shall elect one member.

The county of Juniata shall elect one member.

The county of Lancaster shall be entitled to six members and shall be divided into three districts, namely :

The city of Lancaster shall constitute the First district and shall elect one member.

The boroughs of Strasburg and Washington, the townships of Lancaster, Manor, Conestoga, Pequea, Martic, Providence, Drumore, Fulton, Little Britain, East and West Lampeter, Strasburg, Colerain, Eden, Bart, Salisbury, Sadsbury, Paradise and Leacock shall constitute the Second district and elect two members.

The rest of the county of Lancaster, not embraced in the First and Second districts as aforesaid, shall constitute the Third district and elect three members.

The county of Lawrence shall elect two members.

The county of Lebanon shall elect two members.

The county of Lehigh shall elect three members.

The county of Lycoming shall elect three members.

The county of Luzerne shall be entitled to nine members and shall be divided into eight districts, namely :

The city of Wilkes Barre shall constitute the First district and elect one member.

The boroughs of Kingston, New Columbus and Shickshany, and the townships of Exeter, Franklin, Dallas, Fairmount, Huntington, Kingston, Jackson, Lake, Lehman, Ross, Salem and Union shall constitute the Second district and elect one member.

The boroughs of Ashley, Plymouth, Sugar Notch, White Haven and Nanticoke, and the townships of Wilkes Barre, Denison, Hanover, Newport, Plymouth, Slocum, Wright, Hallenback and Dorrance shall constitute the Third district and elect one member.

The boroughs of Jeddo and Hazelton, and the townships of Black Creek, Butler, Foster, Hazle, Nescopeck and Sugar Loaf shall constitute the Fourth district and elect one member.

The boroughs of Goldsboro' and Pleasant Valley, and the townships of Bear Creek, Buck, Covington, Jenkins, Lackawanna, Madison, Pittston, Plains and Spring Brook shall constitute the Fifth district and elect one member.

The city of Scranton shall constitute the Sixth district and elect two members.

The boroughs of Pittston, West Pittston and Waverly, and the townships of Abington, Benton, Greenfield, Newton, Old Forge, Ransom and Scott shall constitute the Seventh district and elect one member.

The city of Carbondale, the boroughs of Blakely, Dunmore and Jermy, and the townships of Blakely, Carbondale, Fell, Jefferson and Roaring Brook shall constitute the Eighth district and elect one member.

The county of M'Kean shall elect one member.

The county of Mercer shall elect three members.

The county of Mifflin shall elect one member.

The county of Monroe shall elect one member.

The county of Montgomery shall elect five members.

The county of Montour shall elect one member.

The county of Northampton shall elect three members.

The county of Northumberland shall elect two members.

The county of Perry shall elect one member.

The county of Pike shall elect one member.

The county of Potter shall elect one member.

The county of Schuylkill shall be entitled to six members, and shall be divided into four districts, namely :

The townships of East Union, North Union, Union and Mahanoy, and the boroughs of Shenandoah, Gilbertson and Mahanoy City shall constitute the First district and elect one member.

The townships of Butler, Cass, Foster, Barry, Eldred, Hegins, Upper Mahantango and Hubley, and the boroughs of Ashland and Girardville shall constitute the Second district and elect one member.

The townships of Blythe, West Brunswick, East Brunswick, West Penn, Rahn, Schuylkill, Ryon, Rush and Kline, and the boroughs of Port Clinton, Orwigsburg, Tamaqua, New Philadelphia and Middleport shall constitute the Third district and elect one member.

The boroughs of Pinegrove, Tremont, Minersville, Pottsville, Yorkville, Mount Carbon, Landingville, Palo Alto, Saint Clair, Port Carbon, Cressona, Schuylkill Haven and Auburn, and the townships of South Manheim, North Manheim, East Manheim, East Norwegian, New Castle, Norwegian, Pinegrove, Tremont, Porter, Frailey, Reilly, Branch, Washington and Wayne shall constitute the Fourth district and elect three members.

The county of Snyder shall elect one member.

The county of Somerset shall elect two members.

The county of Sullivan shall elect one member.

The county of Susquehanna shall elect two members.

The county of Tioga shall elect two members.

The county of Union shall elect one member.

The county of Venango shall elect three members

The county of Warren shall elect one member.

The county of Washington shall elect three members

The county of Wayne shall elect two members.

The county of Westmoreland shall elect three members.

The county of Wyoming shall elect one member.

The county of York shall elect four members.

How and when  
senators and repre-  
sentatives to be  
chosen.

SECTION 4. The senators and representatives shall be chosen by the qualified electors of the city of Philadelphia and the several counties of this commonwealth, at the time, places and in the manner prescribed by the constitution and laws of this commonwealth. Representatives shall be chosen at the general election in November, Anno Domini one thousand eight hundred and seventy-four, to serve for two years, and biennially thereafter. The senators shall be chosen in the several district at the following times, to wit:

At the general election in November, one thousand eight hundred and seventy-four, senators shall be chosen to serve

for two years in the Second, Fourth, Fifth, Sixth, Seventh, Eighth, Fourteenth, Fifteenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, Twenty-third, Twenty-fifth, Twenty-sixth, Twenty-eighth, Thirtieth, Thirty-second, Thirty-third, Thirty-fourth, Thirty-sixth, Thirty-seventh, Thirty-ninth, Forty-first, Forty-second, Forty-fourth, Forty-fifth and Forty-eighth districts.

At the general election in November, one thousand eight hundred and seventy-five, senators shall be chosen to serve for one year in the First, Thirteenth, Seventeenth, Twenty-second, Twenty-fourth, Thirty-fifth, Thirty-eighth, Fortieth, Forty-sixth, Forty-seventh and Forty-ninth districts.

At the general election in November, one thousand eight hundred and seventy-six, a senator shall be chosen to serve for two years from each of the even-numbered districts, and for four years from each of the odd-numbered districts, and thenceforward a senator shall be chosen at the general election in November, one thousand eight hundred and seventy-eight from each of the even-numbered districts, to serve for four years; and at the general election in November, one thousand eight hundred and eighty, a senator shall be chosen in each of the odd-numbered districts, to serve for four years.

APPROVED—The 19th day of May, A. D. 1874.

J. F. HARTRANFT.

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No. 132.

AN ACT

To provide for the appointment of officers to fill vacancies in cases not otherwise provided for by the constitution or laws of this commonwealth.

SECTION 1. *Be it enacted, &c.*, That in case of a vacancy happening by death, resignation or otherwise, in any office created by the constitution or laws of this commonwealth, and where provision is not already made by said constitution and laws to fill said vacancy, it shall be the duty of the governor to appoint a suitable person to fill such office, who shall be confirmed by the senate, if in session, and who shall continue therein and discharge the duties thereof till the first Monday of January next succeeding the first general election which shall occur three or more months after the happening of such vacancy.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 133.

## A SUPPLEMENT

To an act approved April ninth, eighteen hundred and seventy-four—entitled “An Act designating the judicial districts of this commonwealth.”

SECTION 1. *Be it enacted, &c.*, That from and after the first day of November, ensuing the passage of this act, the counties of Wyoming and Sullivan be and the same are hereby detached from the Twenty-third judicial district, and henceforth shall constitute a separate judicial district, which is hereby designated the Forty-third judicial district, the qualified electors whereof shall, at the first general election ensuing the passage of this act, in the manner prescribed by law, elect one person, learned in the law, as president judge thereof.

APPROVED—The 19th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 134.

## AN ACT

Relating to the organization and jurisdiction of orphans' courts, and to establish a separate orphans' court in and for counties having more than one hundred and fifty thousand inhabitants, and to provide for the election of judges thereof.

Orphans' courts established.  
SECTION 1. *Be it enacted, &c.*, That in every county of this commonwealth there shall be organized and holden, on and after the first Monday of January, one thousand eight hundred and seventy-five, a court of record, the name and style whereof shall be “the orphans' court of (the respective) county.”

How constituted.  
SECTION 2. The orphans' court of each county, except in the counties of Philadelphia, Allegheny and Luzerne, shall be composed of the judge or judges, when there are more than one, of the court of common pleas thereof; but any one judge learned in the law shall have power to hold the court and hear and determine all matters and things therein cognizable.

To be a separate court in certain counties.  
How constituted.  
Salaries of judges.  
SECTION 3. In the counties of Philadelphia, Allegheny and Luzerne, the orphans' court shall be a separate court of record, which shall consist, in the county of Philadelphia, of three judges learned in the law, either of whom may hold the said court, and in the counties of Luzerne and Allegheny each, of one judge learned in the law; and the said judges shall be elected at the next general election of this commonwealth, and be commissioned for the same term and in the same manner as the judges of the courts of common pleas of the respective counties wherein such orphans' courts shall be established; in the counties of Philadelphia and Allegheny the annual salaries of said judges shall be five thou-

sand dollars, and in the county of Luzerne four thousand dollars.

SECTION 4. The said orphans' courts, except in the counties of Philadelphia, Allegheny and Luzerne, shall be held when and as now provided by law, and in the counties of Philadelphia, Allegheny and Luzerne during every term of the courts of common pleas of said counties, and at such other times and as often as the judge or judges thereof shall think necessary or proper.

When and how courts to be held.

SECTION 5. The register of wills of each of the counties of Philadelphia, Allegheny and Luzerne, shall be the clerk of such court, and subject to its directions in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court, not exceeding three in the county of Philadelphia, two in the county of Allegheny, and one in the county of Luzerne, who shall receive annual salaries, payable quarterly by the treasurer of said respective counties, as follows, to wit: The first assistant, eighteen hundred dollars; the second assistant, fifteen hundred dollars, and all other assistants, not exceeding twelve hundred dollars; which salaries shall be paid upon bills attested by said register, and countersigned by a judge of said court.

Register of wills to be clerk thereof.

May appoint assistants.

Salaries.

SECTION 6. The said courts shall have and exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the orphans' and registers' courts of the said counties: *Provided*, That in any county in which a separate orphans' court shall be established, all accounts filed in the office of the register of wills, or in the orphans' court, shall be audited by the court, without expense to the parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint.

Jurisdiction and powers of courts.

All accounts in a separate orphans' court, to be audited by such court.

SECTION 7. The said courts shall have power to prevent by order, in the nature of writs of injunction, acts contrary to law or equity, prejudicial to property over which they shall have jurisdiction: *Provided*, That security shall be given as is now required by law in cases of writs of injunction.

Further power of courts.

SECTION 8. No appeal shall stay the execution of a final decree, unless notice of such appeal and security be given within twenty days after the time that such decree has been made.

Stay of execution of final decree on appeal.

SECTION 9. The said courts shall have power to make all rules necessary for the exercise of the power hereby or which may hereafter be conferred.

Power to make rules.

SECTION 10. The commissioners of the several counties aforesaid, shall provide proper and suitable apartments, in which the business of said orphans' courts shall be held and conducted, and in which the records thereof shall be safely and securely kept.

County commissioners to provide places for courts and records.

APPROVED—The 19th day of May, A. D. 1874.

J. F. HARTRANFT.



No. 135.

## AN ACT

Relative to burial grounds and cemeteries, situated in incorporated boroughs.

Courts may make orders for care of burial grounds in boroughs.

May direct removal of dead when grounds become a nuisance.

May authorize transfer of cemeteries to borough authorities.

Powers of borough authorities over such cemeteries.

SECTION 1. *Be it enacted, &c.,* That authority is hereby vested in the courts of quarter sessions of the several counties of the commonwealth, to make such orders and decrees for the regulation and care of burial grounds situated in incorporated boroughs, as the public good shall require; and when any such burial ground shall become so neglected, as in opinion of said court to become a public nuisance, the court may direct the removal of the dead therefrom, by the proper borough authorities, to some other properly regulated burial ground, and may enforce by proper process all orders and decrees made under this act.

SECTION 2. That upon the petition of the managers and officers of any incorporated cemetery company, the said court may authorize the transfer of any cemetery to the borough authorities of any borough in which such cemetery may be located, if such borough authorities consent to such transfer, and the same made without cost to such borough; and upon such transfer being made, such borough authorities shall hold and exercise the powers and privileges of such incorporated company, and may purchase lands within or beyond such borough limits, not to exceed thirty acres, for the extension of such cemetery if the same be necessary, and may raise the means by taxation to pay for the same. They may lay out the grounds so purchased and change or alter the original plot of such cemetery, and may dispose of such grounds in the same manner and for the same purposes as such incorporated company did or could have done, and a deed made by the burgess of such borough shall be of the same validity as the deed of such incorporated company. In changing or altering the plot of such cemetery, dead bodies may be removed and re-interred in a suitable place without cost to surviving friends.

APPROVED—The 19th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 136.

## AN ACT.

Designating the several classes of contested elections in this commonwealth, and providing for the trial thereof.

The several classes of contested elections, designated.

SECTION 1. *Be it enacted, &c.,* That the several classes of elections which may be contested in this commonwealth are hereby distinguished and designated as follows, to wit:

I. The governor and lieutenant governor of the commonwealth.

II. Electors of president and vice president of the United States and all officers of this commonwealth, (except gover-

nor and lieutenant governor,) who now are or hereafter shall be required to be elected by the qualified voters of the state at large.

III. The judges of the several courts of record, to be learned in the law, other than judges of the supreme court.

IV. All other officers, (excepting members of the general assembly,) whether elected by the qualified voters of counties, cities, townships, boroughs, wards, school districts or any other division of the state.

SECTION 2. Cases of the first class shall be tried and determined by a committee selected from both houses of the general assembly, in the manner and under the regulations hereinafter prescribed.

Cases of governor to be tried by committee of legislature.

SECTION 3. Cases of the second class shall be tried and determined by the court of common pleas of Dauphin county; and for the purpose of hearing and determining the complaint in the petition in such cases, the court of common pleas of the Twelfth judicial district shall notify to sit with it on the hearing of such complaint two president judges, learned in the law, residing nearest to the court house of the said judicial district, and the judges so notified shall appear and sit as part of the said court on the hearing, trial and determination of such petition.

Of presidential electors and state officers, by court of common pleas of Dauphin county.

Two judges from other districts to sit with court.

SECTION 4. That after the hearing of the said case, the said judges shall, without unnecessary delay, decide which of the candidates voted for received the greatest number of legal votes, and is entitled to the office; which decision shall be entered of record to the case in the said court, and a certified copy thereof shall, within five days from the rendering thereof, be delivered to the secretary of the commonwealth; whereupon the person who, by the decision of the court, shall appear to have received the largest number of votes, shall be entitled to the office, and be commissioned accordingly.

Duty of judges.

Certified copy of decision to be delivered to secretary of commonwealth.

SECTION 5. Contested elections of president or additional law judges of any of the judicial districts of this commonwealth, shall be tried and determined before the court of common pleas of the county where the person returned as elected shall reside, in manner following:

How contested elections of president and additional law judges to be tried.

SECTION 6. Upon the petition in writing of at least fifty qualified electors of the district for which the person whose election is contested was returned as elected, accompanied by the affidavit of not less than ten of such petitioners, being presented in due form to the attorney general of the commonwealth, complaining of an undue election or false return of any president or additional law judge of any judicial district of the commonwealth, the attorney general shall immediately notify the governor thereof, who shall, without delay, direct the three president judges residing nearest to the court house of the county composing the district, or if more than one county composes the judicial district, then those nearest the court house of the most populous county of the district, to convene, without delay, the court of common pleas of such county, and proceed to hear and determine the complaint of the said petition; and after such hearing the said judges shall with no unnecessary delay decide which of the candidates

Petition to be presented to attorney general.

(Governor to be notified.

To direct three judges to convene court, and determine complaint.

Duty of judges.

voted for received the greatest number of legal votes, and is entitled to the office; which decision shall be entered of record to the case in said court, and a certified copy thereof shall, within five days from the rendering of such decision, be transmitted to the secretary of the commonwealth; whereupon the person, who, by the said decision, shall appear to have received the largest number of votes, shall be entitled to the office, and commissioned accordingly: *Provided*, No order shall be taken on such petition, unless it shall be presented to the attorney general within thirty days after the election complained of.

SECTION 7. That in any contested election of any president or additional law judge in any judicial district, where there is more than one court of common pleas, the court of the next highest number to the court for which the person whose election is contested is returned as elected, if there be one higher, and if not, the one next lower, shall perform all the duties required of the three president judges, as prescribed in the foregoing section.

SECTION 8. The proper court or judge shall have power to compel the attendance of any election officer or other person as a witness, and may also compel the production of all books, papers, tally-lists, returns of election, other documentary or record evidence, at discretion, for use on the trial, and may issue subpoenas and attachments for these purposes, as in other cases of proceedings in the courts of this commonwealth, and all such books, papers, documents, ballots, boxes and records shall be returned to the proper custody. Certified copies of all election papers, assessments, registers of votes and records, duly authenticated by the person having custody thereof, shall be competent evidence and *prima facie* proof of their contents; but the party against whom the same shall be produced shall have the right to compel the attendance of the person who certifies them for cross examination. Examiners to take and report evidence may be appointed, and reasonable notice of the time and place of taking the same shall be prescribed by the court or judge and served upon the opposite party.

SECTION 9. Witnesses and officers shall be paid the same fees as are now or hereafter shall be fixed by law for similar services in the county in which the trial shall be held. If the court or judge shall decide that the complaint is without probable cause, the petitioners and every of them shall be jointly and severally liable for all the costs, and the same may be collected as debts of like amount are by law collectible, or payment thereof may be enforced by attachment. In contested elections of electors of president and vice president, and state officers whose jurisdiction extends over the state, in which the court or judge shall not decide that the complaint is without probable cause, the commonwealth shall be liable for all costs, and the same shall be paid by the state treasurer out of any moneys not otherwise appropriated, on bills certified to be correct by the proper court or judge, upon examination and approval of the auditor general. In contested elections of president or additional law

Copy of decision to be transmitted to secretary of commonwealth.

When petition to be presented to attorney general.

How cases determined in districts where there is more than one common pleas court.

Power to compel attendance of witness, production of books, &c.

Certified copies of election papers, assessments, &c., evidence.

Examiners to take and report evidence, may be appointed.

Compensation of witnesses and officers.

Liability for costs.

judges, senators and members of the house of representatives, and of county, borough, township or municipal officers, in which the court or judge shall not decide that the complaint is without probable cause, the proper district, county, city, township, borough, ward, school district or municipality shall be liable to pay all costs, and the same shall be promptly paid by the proper authorities, upon the order of the court or judge trying the case.

SECTION 10. The proper court or judge shall have power to appoint phonographic reporters, if necessary, to take the testimony, and may order printing of such matters as may be necessary during the trial; and all bills for such reports and printing, certified to be reasonable and correct by the court or judge, shall be a part of the costs and collectible as other costs in the case: *Provided*, That all printing required in cases of the second and third classes shall be done by the state printer, at contract prices, and in all other cases the prices to be paid for such reporting and printing shall be fixed in the order providing therefor, and no more than the amount thus fixed shall be paid in any case.

Court may appoint phonographic reporters, and order matter to be printed.

SECTION 11. Contested elections of senators and members of the house of representatives shall be tried and determined by the court of common pleas of the county where the person returned as such shall reside, in the manner following:

Contested elections of members of legislature to be tried by court of common pleas.

SECTION 12. That upon petition in writing of at least twenty qualified electors of the senatorial district, in case of a senator, and of the county, in case of a member of the house of representatives, complaining of an undue election or false return of any senator or representative, the court, if in session, or the president judge thereof, if in vacation, shall immediately appoint a suitable time for the hearing in open court of such complaint; and if the court is not in session, the president judge to whom such complaint is made, shall direct the court to convene for that purpose, notice of which shall be given to the person returned at least ten days before such hearing; but no order shall be taken on such petition unless it be accompanied by the affidavit of at least five of the petitioners, taken before a person qualified to administer oaths or affirmations, setting forth that the facts there stated are true to the best of their knowledge and belief, and unless such petition shall be presented within thirty days of the election complained of; that on the trial of contested elections of senators and members of the house of representatives, the petitioners complaining of the election, and the person returned as elected, shall be the parties thereto.

Petition.

Court to appoint time for hearing complaint.

Notice to be given persons returned.

Petition to be accompanied by affidavit.

When to be presented.

Who to be the parties to the contest.

SECTION 13. That the court of common pleas to which a petition shall be presented, as aforesaid, contesting the right of a senator or member of the house of representatives to the seat for which he may have been returned as elected, shall have authority to compel the attendance of any officer of the election complained of, and of any person capable of testifying concerning the same; and also to compel the production of all books, papers, tally lists, tickets, ballot-boxes and all other documents which may be required at such hearing, in like manner and to the same extent as in other cases

Court authorized to compel attendance of election officers, production of papers, &c.

litigated before such court, to appoint commissioners to take testimony, and to proceed without delay, postponing for the purpose, if necessary, all other business, to the hearing and determination of such case.

To determine which candidate is entitled to certificate.

SECTION 14. That after the hearing, as aforesaid, the court shall, without unnecessary delay, decide which of the candidates voted for received the greatest number of legal votes and is entitled to the certificate of election.

Secretary of commonwealth to deliver copy of decision to speaker.

SECTION 15. That the secretary of the commonwealth shall on the day of the meeting of the next general assembly, or if in session, then immediately upon its reception, deliver to the speaker of the proper house the certified copy of the decision of the court aforesaid; any claimant to a seat in either branch of the legislature, who shall feel aggrieved by the decision of the court in his case, may present his petition to the proper house, within ten days after the meeting of the legislature, or within ten days after the decision shall have been made in his case, if the legislature shall then be in session, setting forth his claim to the seat; which petition shall have appended thereto the affidavit of the petitioner, setting forth that he verily believes that he was duly elected to the seat, and that the statements set forth in his petition are just and true to the best of his knowledge and belief; and said petition shall also be signed by at least twenty qualified electors of the proper county or district, at least five of whom shall make affidavit that the facts set forth in said petition are true to the best of their knowledge and belief; such petition, when presented, shall be referred to a standing committee on elections, which committee shall proceed to hear the claims of the contestant and respondent, and report the facts and a resolution expressing the decision of the committee for the consideration of the house; and the vote of the proper house on the claims of the contestant and respondent shall be final: *Provided*, That no resolution deciding such question shall be adopted, unless it shall receive the votes of a majority of all the members elected to the house considering the same.

Any claimant aggrieved thereby, may petition the proper house.

To be referred to committee on elections.

Duties of committee.

Vote on claims of contestant and respondent, to be final.

Other contested elections, how determined.

No judge to sit on a trial in which he is a party.

Who to preside on trials when law judge of the district cannot act.

Powers and duties.

SECTION 16. Cases of the fourth class shall be tried and determined by the court of quarter sessions of the peace of the county in which the election contested shall be held.

SECTION 17. No judge shall sit on the trial of a case in which he shall be a party. In any case where, by reason of incompetency or any disability to act, there shall be no law judge of the district in which any contest shall arise present, and able as well as qualified to act, the judge learned in the law residing nearest the court house of the county in which, by the provisions of this act, the trial in any such case is required to be had, except in cases otherwise provided in this act, shall preside on the trial, and shall have and exercise all the powers and authority, and discharge all the duties granted to or imposed upon the regular judges of the said courts in cases wherein they are qualified and required to act by the provisions of this law. Any law judge who is hereby authorized to preside in any such case, and any president or other judge, learned in the law, of the proper court, shall

have full power to hold any of the said courts, by this act required to try any such contested election case, without the assistance of the associate justices, or either of them, of such courts not learned in the law. And all of the said courts and judges hereby required to try any contested election case shall have plenary power to make, issue and enforce all necessary orders, rules, process and decrees, for a full and proper understanding and final determination and enforcement of the decision of every such case, according to the course of practice in similar cases under the laws of this commonwealth, or which may be necessary and proper to carry out the provisions of this act.

Power to make and enforce orders and decrees.

SECTION 18. The commencement of proceedings in every case shall be by petition, which shall be made and filed as herein required, within thirty days after the day of election. The petition shall concisely set forth the cause of complaint, showing wherein it is claimed the election is undue or illegal, and after filing shall not be amended unless such amendment shall be allowed by the proper court or judge after notice to the other party and hearing, and if allowed reasonable time shall be given to answer. In cases of the second class the petition shall be signed by at least one hundred qualified electors who voted at the election contested, in cases of the third class by at least fifty such electors, and in cases of the fourth class by at least twenty-five, and shall be verified by at least five of the petitioners by affidavit taken and subscribed before some person authorized by the laws of this commonwealth to administer oaths, setting forth that they verily believe the facts stated therein are true, that according to the best of their knowledge and belief the election was undue or illegal, and the return thereof not correct, and that the petition to contest the same is made in good faith. The petition shall be presented to the court or law judge having jurisdiction, except where otherwise provided in this act, and if it shall be adjudged sufficient it shall be filed of record in the proper court, and thereupon a time shall be fixed for hearing. Notice of the filing of the petition with a copy thereof shall be served upon the person whose right of office shall be contested, together with a rule to answer at the time fixed for hearing, which notice copy and rule shall be served such length of time before the day fixed for hearing, as the said court or judge shall require, not exceeding forty days, in cases of the second and third classes, and in all other cases not exceeding thirty days.

Proceedings to be commenced by petition.

What the petition to set forth.

Amendments.

How to be signed.

To be verified by affidavit.

Presentation to court, &c.

Notice to be served on person whose right of office is contested.

SECTION 19. That in trials of contested elections, and in all proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that he may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

Witnesses not to withhold testimony in election cases.

SECTION 20. Contested elections of governor and lieutenant governor shall be tried and determined by a committee to be selected from both houses of the general assembly, and formed and regulated in the following manner:

Contested election of governor and lieutenant governor.

Of the petition in such cases, and proceedings thereon.

SECTION 21. That upon the petition, in writing, of at least one hundred qualified electors of the commonwealth, accompanied by the affidavit, taken and subscribed by at least twenty of the petitioners, before some person having authority to administer oaths, that the facts set forth are true to the best of their knowledge and belief, and a certificate from the prothonotary of the county or counties where the petitioners reside, that they are all qualified electors, being presented to the president of the senate within ten days from the organization of the legislature next succeeding the election complained of, he shall immediately give information thereof to both houses; such petition being read in each house, shall be laid on the table without any question taken thereon, until the two houses shall proceed thereon in manner following:

Joint meeting of the two houses to be called.

SECTION 22. The senate and house of representatives shall, on a day and hour to be agreed on between them, which day shall be within five days of the reception of the petition, as aforesaid, shall convene in the hall of the house of representatives, where the petition shall be read by the clerk of the senate; the names of the members of each house shall then be called over by the respective clerks, and a quorum of each house being present, a joint committee shall be formed as follows:

How joint committee to be selected on the part of the senate.

I. The names of all the senators present except the president *pro tempore*, shall be written on distinct pieces of paper as nearly alike as may be, each of which shall be rolled up and put into a box by the clerk of the house of representatives, and placed on the speaker's table.

II. The clerk of the senate having shaken and intermixed the said papers, shall draw them out one by one, and put them alternately into three boxes, also placed on the speaker's table.

III. When the whole number shall be thus distributed, the clerk of the house of representatives shall shake and intermix the papers in each box, and shall draw alternately from each box the papers so rolled up and shall deliver them singly to the speaker of the house of representatives.

IV. The speaker of the house of representatives shall open the said papers singly and read aloud the name on each, and then deliver the papers singly to the president of the senate, who shall place them openly on the table.

V. A member of each house, to be designated by the respective presiding officers, shall take down in writing the name so called, and shall each of them repeat aloud the name so written, until the number of twelve names be drawn out and written down.

On the part of the house of representatives.

SECTION 23. The like proceedings shall then be had for drawing twenty-five members of the house of representatives for the purpose: *Provided*,

I. That the duties herein enjoined upon the clerk of the house of representatives, shall be performed by the clerk of the senate.

II. That the duties enjoined upon the clerk of the senate shall be performed by the clerk of the house of representatives.

III. That the duties hereinbefore enjoined upon the speaker of the house of representatives shall be performed by the presiding officer of the senate.

IV. That the duties hereinbefore enjoined upon the president of the senate shall be performed by the speaker of the house of representatives, whose name shall not be placed in the box.

SECTION 24. If any objection be made by either of the parties to any member so drawn by lot, such member shall be discharged, and another name be drawn to supply the place, and so on until the whole number of twelve senators and twenty-five members of the house of representatives shall be completed; and in all cases the members drawn in place of those objected to, shall be in like manner liable to be set aside, and others shall be drawn in their places; but if so many be set aside by reason of objections, as aforesaid, that there shall not remain more than the number aforesaid, then no further objections shall be admitted.

Proceedings where objections are made to members drawn.

SECTION 25. When the number aforesaid shall be completed, the clerk of the house of representatives shall draw out one by one the names of the remaining members of the senate, and deliver them singly to the speaker of the house of representatives, who shall unfold and read them aloud; and the clerk of the senate shall, in like manner, draw out the names of the remaining members of the house of representatives, and deliver them singly to the speaker of the senate, who shall unfold them and read them aloud; and if any unfairness or mistake shall then be discovered therein, the whole proceedings shall be set aside, and the same shall be renewed in manner and form hereinbefore directed; but after the committee is sworn, no objection for such cause shall be received.

When committee is completed, the remaining members' names to be drawn and read.

SECTION 26. When the proceedings aforesaid shall be concluded, a list of the twelve members of the senate and a separate list of the twenty-five members of the house of representatives so drawn shall be given to each of the parties, who shall immediately withdraw to some adjoining room, with a clerk or member appointed by the joint vote of members present, where they shall proceed to strike off alternately the names upon such list, until the number shall be reduced to four members of the senate and nine of the house of representatives.

Parties to strike, until number reduced to four of the senate and nine of the house.

SECTION 27. On the parties withdrawing to form such select committee, the members of both houses shall continue convened, and the members whose names shall have been drawn out of the boxes shall not depart the conference room without leave, until the time and place for the meeting of the select committee shall be fixed as hereinafter provided.

Members not to leave the convention.

SECTION 28. Within one hour from the time of withdrawing as aforesaid, the parties shall deliver to the presiding officer of the senate the names of the said four members of the senate and nine of the house of representatives remaining on the list, who shall then respectively take an oath or affirmation, to be administered by the presiding officer of the senate, to try the matter of the petition and to give a

Remaining names to be delivered to speaker of senate within one hour.

Oath of committee.



true judgment thereon according to the evidence, unless the committee shall be dissolved.

How time and place  
of meeting to be  
fixed.

SECTION 29. The time and place for the meeting of the select committee so appointed shall then be directed by the joint vote of the members of both houses, which time shall be within forty-eight hours of the appointment.

When members  
may be excused.

SECTION 30. If any person appointed a member of such select committee shall, at the time of such appointment, swear of affirm that he cannot without great inconvenience serve on such committee, he shall be excused, and in such case another shall be substituted. But if any member of such committee shall neglect to attend upon the committee, his name shall be reported in writing to the house of which he shall be a member, and, unless satisfactory reasons be given for his non-attendance, he shall be reprimanded by the presiding officer of the house of which he is a member.

To be reprimanded  
for failure to at-  
tend.

Committee to be  
presided over by  
chief justice of  
supreme court.

SECTION 31. The select committee so chosen shall be presided over by the chief justice of the supreme court, who shall decide questions regarding the admissibility of evidence and he shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial, but he shall not have a vote on the final determination of the case. Immediately after the appointment of the select committee aforesaid, the presiding officer of the senate shall notify the chief justice of the supreme court thereof, and he shall immediately attend the meetings of the committee as the presiding officer thereof.

Sittings of the  
committee.

SECTION 32. The select committee shall sit from day to day, Sundays excepted; at such hours as shall not interfere with their attendance in the legislature, but unless nine of their number be present, the committee, after waiting one hour, shall adjourn to the next day, and if the number of the committee shall unavoidably be reduced to less than nine members and shall so continue for the space of three days, Sundays excepted, the committee shall be dissolved, and there shall be another chosen in manner aforesaid: *Provided*, That when the two houses shall stand adjourned for more than three days the committee may adjourn to the same time.

Their powers.

SECTION 33. The select committee shall have power to send for persons, papers and records, and to compel the attendance of and examine all witnesses who may come before them, upon oath or affirmation, which the chief justice of the supreme court or clerk of the committee may administer in their presence, and to decide not only on the validity of such contested election but also which of the candidates had the greatest number of legal votes.

May compel per-  
sons not qualified,  
to disclose for  
whom they voted.

SECTION 34. When it is proven to the satisfaction of said committee that any person, not a legally qualified voter, voted at any such contested election, it shall be lawful for said committee to compel said voter to disclose, under oath, for which of the respective candidates he voted; but when the committee examines the witness on oath as to the person or persons for whom he voted, and said witness, on such examination, discloses the name of the persons for whom he

voted at such election, he shall not afterwards be presented for having illegally voted at such election.

SECTION 35. The doors of the room in which the select committee shall meet shall remain open during the examination of witnesses, but may be shut at any other time; all determinations required to be made by such committee shall be by a majority of the whole number appointed; and as soon as the committee shall have agreed upon the same, two reports thereof shall be made in writing, one of which shall be delivered to the presiding officer of the Senate, and the other to the speaker of the house of representatives, which reports shall be entered on the journals of the respective houses, and shall be final and conclusive.

Proceedings of the committee regulated.

Their report.

SECTION 36. If the committee, or a majority thereof as aforesaid, shall report that either of the candidates had the greatest number of legal votes, and ought to be admitted to the office, such candidate shall thereupon be entitled to such office.

Report in favor of either party to be final.

SECTION 37. If the committee, or a majority thereof as aforesaid, shall report that such election or return is invalid, a new election shall take place on the day of the general election ensuing, agreeably to the constitution, of which the presiding officer of the senate and speaker of the house of representatives shall immediately give notice by their joint writ directed to the sheriffs of the respective counties; and the sheriffs of the respective counties shall give due notice thereof according to law.

When election declared void, writs to be issued for a new election.

APPROVED—The 19th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 137.

## AN ACT

Appropriating the sum of twenty thousand dollars to the German hospital at Philadelphia, for the purpose of improving and enlarging its buildings.

SECTION 1. *Be it enacted, &c.,* That the sum of twenty thousand dollars be and is hereby appropriated to the German Hospital of Philadelphia, for the purpose of enlarging and improving its building, situated at Girard and Corinthian avenues, in the city of Philadelphia, and that the said sum of money shall be paid to the treasurer of said hospital upon vouchers being submitted to the auditor general and state treasurer by the president thereof that said amount has been expended in and upon said hospital: *Provided*, That a like sum shall be raised by private contributions, of which the state treasurer shall have satisfactory evidence, and for which said appropriation the commonwealth shall have a lien secured by mortgage, and which shall be collected if the said property shall be devoted to any other purposes.

APPROVED—The 19th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 138.

## AN ACT

To provide for the appointment of a special detective officer in any of the several counties of this commonwealth.

SECTION 1. *Be it enacted, &c.,* That it shall be lawful for the district attorney of any county in this commonwealth, with the approval of the court of quarter sessions of the proper county, whenever said court and district attorney may deem it necessary, to appoint an officer as a special detective, whose duty it shall be to assist in obtaining such evidence as shall be directed by the district attorney for the commonwealth in all criminal cases, and perform such other duties as the court may direct.

APPROVED—The 19th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 139.

## AN ACT

Conferring upon the councils of certain cities of this commonwealth the power to re-organize the municipal departments thereof.

SECTION 1. *Be it enacted, &c.,* That in all cities of this commonwealth containing more than three hundred thousand inhabitants, the councils of said cities are hereby vested with full power and authority to modify the powers and duties of any officer or department thereof, and for that purpose to enact that after the expiration of the term of any existing officer or officers elect, such office shall cease, and the duties thereof be imposed on other officers or departments now existing, or by ordinance to be established: *Provided,* That this act shall not be construed to confer any additional powers upon said city authorities, to abolish modify or limit the powers of any boards, commissions or offices regulating public parks which have been dedicated to the uses and enjoyment of the people of the commonwealth, or are charged with the collection of taxes or the revision or regulation of assessments of property for general taxable purposes, or created for the purpose of erecting public buildings for the use of said cities.

APPROVED—The 19th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 140.

## AN ACT

To provide for review in the supreme court in criminal cases.

SECTION 1. *Be it enacted, &c.*, That on the trial of all cases of felonious homicide, and in all such other criminal cases as are exclusively triable and punishable in the courts of oyer and terminer and general jail delivery, exception to any decision of the court may be made by the defendant, and a bill thereof shall be sealed, in the same manner as is provided and practiced in civil cases, and the accused, after conviction and sentence, may remove the indictment, record and all proceedings to the supreme court. In capital offences a writ of error or *certiorari* shall stay execution of sentence. In all other cases such writs shall not stay or delay execution of sentence or judgment, without the special order of the supreme court or a justice thereof for that purpose; and in case of such order, the said supreme court or justice may make such order as the case requires for the custody of the defendant or for admission to bail; in all other criminal cases exceptions, as aforesaid, may be taken, and in cases charging the offence of nuisance or forcible entry and detainer, or forcible detainer, exceptions to any decision or ruling of the court may also be taken by the commonwealth, and writs of error and *certiorari*, as hereinbefore provided, may be issued from the supreme court to all criminal courts, when specially allowed by the supreme court or any judge thereof.

APPROVED—The 19th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 141.

## AN ACT

To aid in the erection and maintenance of the Anthracite Hospital of Pennsylvania.

SECTION 1. *Be it enacted, &c.*, That whenever it shall be certified, to the satisfaction of the governor of this commonwealth, that the application for charter of the Anthracite Hospital Association of Pennsylvania, now pending in the court of common pleas of Schuylkill county, has been granted by said court, and that the sum of fifteen thousand dollars of the funds of said association has been actually invested in the purchase of the grounds, or the erection of the necessary buildings for a hospital for the gratuitous care and cure of persons injured in the mines, or in the transporting of coal over the railroads of this commonwealth, he shall certify the same to the state treasurer, who shall, upon such certification, pay to the order of the president and trustees of said Anthracite Hospital Association, out of any moneys in the treasury not otherwise appropriated, the sum of fifteen

thousand dollars, to be used by said president and trustees for the purposes hereinbefore specified.

APPROVED—The 20th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 142.

AN ACT

To provide for the support out of the county treasury of the sick and injured poor when under treatment in hospitals, in certain cities and boroughs.

Managers of hospitals may make requisitions on county commissioners for support of poor patients.

SECTION 1. *Be it enacted, &c.,* That it shall be lawful for the managers or trustees of any hospital for the cure of the sick and injured which is now or may hereafter be established and duly incorporated, in any city or borough of this commonwealth containing a population of not less than twenty thousand inhabitants, to make requisitions quarterly, upon the commissioners of the county in which such hospital may be situated, for the support of such poor patients under treatment in such hospital as are unable to pay for their treatment, for which requisitions the said commissioners shall grant orders upon the treasurer of the county, who shall pay the same to the treasurer of such hospital.

Allowance for support and treatment, limited.

SECTION 2. That the sum be allowed for the support and treatment of any poor patient shall not exceed one dollar per day, nor shall a greater amount than five thousand dollars be paid out of the county treasury to any such hospital in any one year.

Hospital not to be under control of any religious denomination.

SECTION 3. That such hospital shall not be under the control of or owned by any religious sect or denomination, but shall be open for the reception and treatment of sick and injured citizens of Pennsylvania, without regard to creed, sex or race, and a report of its operations shall be made to the board of public charities of this commonwealth at such times and in such manner as the said board may require.

Report to be made to board of public charities.

When act not to apply.

SECTION 4. That this act shall not apply to any hospital which has an endowment fund exceeding five thousand dollars per annum or other means of support, except voluntary contributions and pay from patients under treatment, nor to any hospital unless it and the land appurtenant to it are owned in fee simple by the corporation and are free from incumbrance.

Provisions relative to poor patients who have no legal settlement in the county.

SECTION 5. That when any sick or injured person shall be received into any such hospital, being indigent and unable to pay for his or her proper medical or surgical treatment, and who has no legal settlement in the county in which said hospital is or may be situated, it shall be the duty of the managers or trustees of said hospital to notify the directors or overseers of the poor of the said county, who shall thereupon notify the directors or overseers of the poor of the county or township in which such sick or injured person has

a legal settlement, and they shall be liable for all reasonable charges incurred for the care of said patient not exceeding one dollar per day: *Provided*, That when any such poor person shall be received into any such hospital who has not a legal settlement in the poor district in which such hospital shall be situate, notice that such person is under treatment in such hospital shall be given to the overseers of the poor of the county or district in which such poor person has a legal settlement, within thirty days after he or she shall be received into such hospital, or the said county or district shall not be liable to pay for more than thirty days' treatment in any such hospital; and the overseers of the poor of the district in which poor person shall have a legal settlement shall have the right to take every such person from any such hospital to their own district for treatment and support if they shall see fit.

APPROVED—The 21st day of May, A. D. 1874.

J. F. HARTRANFT.

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No. 143.

# AN ACT

In reference to entailments.

SECTION 1. *Be it enacted, &c.*, That in all cases of implied entailments, twenty-one years' actual possession of the premises and treatment of the estate as a fee simple by the donee and those claiming through or under him by grant in form of conveyance, in fee simple or by judicial sale, shall be held a complete bar of such implied or supposed entailment: *Provided*, That such bar shall not operate against any inheritance that may have vested in any heir in tail before the passage of this act.

When implied entailments held to be barred.

SECTION 2. All persons so holding or having so held under any such donee, and the survivor or survivors of any such as so held in common, may, either before or after alienation by them of the whole or any part of the premises so as aforesaid to them conveyed, bar such implied or supposed entailment thereof, as fully and completely as the donee might have barred the same in pursuance of any existing law, in the manner following, viz: They shall execute under the proper hand and seal of each a declaration of their purpose to bar any supposed entailment of the premises mentioned therein, which declaration shall be duly acknowledged by them before some person authorized to take acknowledgment of deeds, and thereupon shall be recorded by the recorder of deeds of the proper county, and from the filing thereof by such recorder such supposed entailment shall be held fully and completely barred.

How persons holding under donee, and their survivors, may bar such entailments.

APPROVED—The 21st day of May, A. D. 1874.

J. F. HARTRANFT.

No. 144.

## AN ACT

To facilitate the transfer of stocks and loans.

SECTION 1. *Be it enacted, &c.*, That all certificates of stocks and loans which have been or may hereafter be issued by this commonwealth, or by any municipal or other corporation, shall be transferable by the legal owner thereof, without any liability on the part of the transfer agents of the commonwealth, or the municipal or other corporation permitting such transfers, to recognize or see to the execution of any trust, whether expressed, implied or constructive, to which such stocks or loans may be subject, unless when such transfer agents of the commonwealth, or officers of such municipal or other corporation, charged with the duty of permitting such transfer to be made, shall have previously received actual notice in writing, signed by or on behalf of the person or persons for whom such stocks or loans appear by the certificate thereof to be held in trust, that the proposed transfer would be a violation of such trust.

APPROVED—The 23d day of May, A. D. 1874.

J. F. HARTRANFT.

No. 145.

## AN ACT

Making decoration day a legal holiday.

Decoration day to  
be a legal holiday.

SECTION 1. *Be it enacted, &c.*, That the thirtieth day of May, commonly called decoration day, or when that day falls on the first day of the week, the day preceding it, shall be a holiday.

Payment of notes,  
checks, &c., fail-  
ing due on that  
day.

SECTION 2. It shall be lawful to require payment of all notes, checks and bills of exchange due and payable on such holiday, to be made on the secular day next previous thereto; and in default of such payment, the same may be protested, and such protest shall be as valid as if made on the day on which such note, check or bill became due by its own terms.

APPROVED—The 25th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 146.

## AN ACT

For the better confirmation of the estates of persons holding or claiming title under *some covert's*, and providing a mode for curing defective acknowledgments.

WHEREAS, Estates of great value have been *bona fide* sold by husband and wife for a legal and sufficient consideration, and the deeds therefor have been by them legally acknowl-

edged before the proper officer, but in many cases the mode of making such acknowledgment has been imperfectly set forth in the certificate, and it has been held by the supreme court that deeds transferring the rights and interests of *feme covert*s are invalid and void, unless certain requisites of the acknowledgments of such deeds provided by law shall appear upon the face of the certificate of such acknowledgment to have been pursued, and in all such cases it is but just and reasonable that persons who hold such estates should not, in any case, be disturbed in the enjoyment of them thus equitably acquired nor divested thereof under any pretence whatever.

Now for the purpose of carrying into effect the real intent of the parties, and of quieting and securing the estates so transferred,

SECTION 1. *Be it enacted, &c.*, That no grant, bargain, sale, feoffment, deed of conveyance, lease, release or other assurance of any lands, tenements and hereditaments whatsoever, made prior to January first, Anno Domini one thousand eight hundred and seventy-one, and executed by husband and wife, and acknowledged by them before some judge, justice of the peace or other officer within this state, or an officer in one of the United States authorized by law to take such acknowledgment, shall be deemed, held or adjudged, invalid or defective, or insufficient in law, or avoided or prejudiced, by reason of the informality or omission in setting forth that the wife was examined separate and apart from her husband, if in fact she was thus examined; but all and every such grant, bargain, sale, feoffment, deed of conveyance, lease, release or other assurance so made, executed and acknowledged, as aforesaid, shall be as good, valid and effectual in law for transferring, passing and conveying the estate, right, title and interest of such husband and wife of, in and to the land, tenements and hereditaments mentioned in the same, as if the certificate of acknowledgment upon the face of the same had not omitted to state that the wife was separately examined: *Provided however*, That this act shall remedy such informality only, and then only in case an affidavit shall be made by at least one of the subscribing witnesses to the deed of conveyance, to be sworn before a judge of the court of common pleas, stating that such examination of the wife was actually made separate and apart from her husband at the time she executed and acknowledged the deed, which affidavit shall be attached to and recorded with such deed: *And provided further*, That this act shall not apply to any suit or suits now pending, and any person falsely making oath to such affidavit shall be guilty of perjury.

APPROVED—The 25th day of May, A. D. 1874.

J. F. HARTRANFT.



No. 147.

## AN ACT

Relative to the establishment and jurisdiction of magistrates' courts in the city of Philadelphia.

Council's to divide city into magisterial districts.

SECTION 1. *Be it enacted, &c.*, That it shall be the duty of the councils of the city of Philadelphia, on or before the second Monday of August, in the year one thousand eight hundred and seventy four, to divide the city into magisterial districts, each containing the same number of inhabitants as near as may be) residing there, and to describe and declare the wards, and to describe and declare the magisterial districts, and to assign magistrates to said districts, after provided.

Two magistrates to be elected for each district.

SECTION 2. On the third Tuesday of the month of January, one thousand eight hundred and seventy-five, shall be elected by the qualified electors of the city of Philadelphia, two magistrates for each magisterial district, to serve for a term of five years, and thereafter the elections shall take place at the general election for the expiration of the term of office of the said magistrates.

Term of office.

Qualifications.

Said magistrates shall be at least twenty-one years of age, and shall have resided one year in the district in which they are elected. The whole number of magistrates for the city shall be elected on one ticket by the qualified voters at large, and in the election of said magistrates no voter shall vote for more than one-third of said magistrates.

How to be elected.

Of elections to supply vacancies.

SECTION 3. In the event of a vacancy in the office of a magistrate, by death, resignation or otherwise, there shall be a special election, to be held for the city of Philadelphia, to fill the unexpired term of the magistrate, to be held for the next succeeding election to be held for the city of Philadelphia, and Said election shall be held within thirty days before the expiration of the term of office of the magistrate.

Duplicate certificates of election to be made out.

SECTION 4. The judges of the court of common pleas of the city of Philadelphia, or other persons authorized by law to compute votes returned to the prothonotary of the court, shall make out duplicate certificates for such persons as they shall find to have been elected, one of which shall be given to each magistrate elected, and the other to the prothonotary of the court, to be transmitted to the secretary of the commonwealth, within thirty days from the election, together with the certificate of the magistrate's acceptance.

How to be disposed of.

Magistrates elect to give notice of acceptance.

SECTION 5. Every person elected to the office of magistrate shall, within thirty days, if he intends to accept said office, give notice, in writing, to the prothonotary of Philadelphia of his intention.

When commission to issue.

SECTION 6. The governor of the commonwealth shall, on or before the fourth Tuesday in March, after said election, issue commissions to all persons who shall appear to him to have been duly elected to the office of magistrate, for which commission each person elected shall pay two dollars, to be received by the recorder of deeds of the city of Philadelphia, to be by him transmitted to the secretary of the com-

Fee therefor.

monwealth; and the said magistrate shall be by said recorder sworn according to law, and the said commission recorded in his office; and all commissions so issued shall take effect on the first day of April succeeding the election of said magistrate, and shall be for the term of five years, if he shall so long behave himself well.

To be sworn.

Commission to be recorded, and when to take effect.

SECTION 7. Before any person elected to the office of magistrate in the city of Philadelphia shall enter upon the discharge of the duties of his office, he shall give bond in such sum not less than one thousand nor more than three thousand dollars, as the court of common pleas or one of the judges in vacation shall direct, with one or more sufficient securities, unless, in the opinion of the court or said judge, the person elected is possessed of a freehold estate of a value beyond all reprises equal to the amount in which security should otherwise be required, which bond shall be taken by the prothonotary, in the name of the commonwealth, with conditions for the faithful application of all moneys that shall come into his hands as an officer; and such bond shall be held in trust for the benefit of all persons who may sustain injury from said magistrate in his official capacity; and said security shall, in no case, be liable where proceedings are not commenced within six years from the date of said bond.

Magistrates to give bond.

Unless freeholders.

Limitation of action thereon against surety.

SECTION 8. The magistrates elected and commissioned under this act, shall be subject to removal for the same causes prescribed by existing laws of this commonwealth, applicable to the aldermen of the city of Philadelphia.

To be subject to removal.

SECTION 9. No state tax shall be charged on account of recording the commission oath, bond or other paper connected with the election and appointment of said magistrates.

Commission not to be taxed.

SECTION 10. There shall be two magistrates for each magistrate court, who shall hear and determine such cases as are brought before them, jointly or separately, except in such cases where the law now requires two aldermen, in which cases they shall act jointly.

Two magistrates for each court.

SECTION 11. The said magistrates shall keep a criminal and civil docket, wherein they shall record their official proceedings, and shall carefully note upon the margin of said dockets all the costs, fines and penalties received in connection with all suits, and chargeable thereto, and by whom such costs were paid, and shall also keep a day-book, wherein they shall enter all costs, fines and penalties collected by them, the name of receipt, of whom collected, and for what purpose, and also note therein the time and disposition made of such collection.

To keep dockets and day-book.

SECTION 12. The like jurisdictions and authorities now vested in the aldermen of the city of Philadelphia, are hereby vested in the magistrates mentioned in this act, who shall in all cases exercise all such powers within said city, which any alderman of the city of Philadelphia is now authorized by law to exercise, and shall charge the same costs for their official acts as the said aldermen are authorized by law to receive, including the fees of constables, and shall be subject to such limitations, restrictions and provisions as the said aldermen are now subject to by the laws of the common-

Jurisdiction, &c., of magistrates.

wealth: *Provided*, That said magistrates shall permit appeals to be taken in all cases of summary convictions and judgments for penalties, and in all civil cases may demand the costs from plaintiffs entering suits in their courts, previous to the issuing of any writ on any judgment obtained by said plaintiff, and also from appellant all costs accrued as well as the cost of appeal, before such appeal shall be allowed; and said courts shall cause to be endorsed on all transcripts given, in case of appeal, the costs of said court, and by whom paid; and in criminal suits the magistrates may, at their discretion, demand of the prosecutor payment for the complaint, warrant, record, hearing and service; but in no case shall said magistrate demand any costs of defendants where the case is returnable to a superior court, except in cases where settlement is made before the magistrate, but shall enter all costs chargeable upon the transcript returned to said court.

Power to demand costs.

To collect all costs on suits.

When to pay over amounts due city.

Amounts due city to be certified to controller.  
Controller to audit books.

Aldermen to hand over dockets and papers to magistrates courts.

Penalty for neglect.

Persons in possession of such books and papers, to deliver them to magistrates' court.

Courts to have seal.

SECTION 13. The said magistrates shall collect all costs connected with and attending all suits brought in said magistrates' courts, including the fees of the constables, and pay over to the city treasurer such amount as may be coming to the said city treasurer such amount as may be coming to the said city, within five days from the first Monday of every month; and one of the magistrates in each court shall make out an account of all moneys due the city of Philadelphia, and certify the same, under oath or affirmation, to the city controller; and the said controller shall audit the books and accounts of the several magistrates' courts in the month of April of every year.

SECTION 14. It shall be the duty of the aldermen of the city of Philadelphia whose term of office shall expire on and after the thirty-first day of December, one thousand eight hundred and seventy-four, or whenever they shall vacate their office, after that time to hand over to the magistrate's court in the district in which their office may be located their dockets, notes, bonds and all other papers connected with unfinished suits upon their dockets, as well as the dockets and papers of other aldermen that may be in their possession; and any alderman of said city who shall refuse or neglect for the term of thirty days after they have vacated their office, to deliver said books and papers as aforesaid, shall be subject to a penalty of one hundred dollars, to be collected as penalties of like amount are now collected; and in case of decease or continued absence of any alderman for a term of three months, all persons having possession of the books and papers aforesaid of said deceased or absent alderman, shall deliver said books and papers to said magistrates' court, in like manner as said aldermen are required to do by this act, and shall be subject to the same penalties for neglect or refusal; and the said magistrates' courts shall have all the powers in relation to suits commenced on said dockets as the aldermen themselves would have had, had they continued in office.

SECTION 15. The said magistrates' courts shall have a seal with the coat of arms of the state of Pennsylvania engraved

thereon, and for legend " district magistrates' court of the city of Philadelphia," inserting the number of the district.

SECTION 16. The said magistrates' courts may select from the constables in commission in the city of Philadelphia such number as may be necessary to transact the business of said courts; and in case said constable prove incompetent or shall neglect the business of said courts, the court of quarter sessions of said city shall, upon application of any magistrate, appoint a competent person to perform the duties of constable. The said constables shall be paid by the city of Philadelphia, monthly, for all official services rendered to said courts the fees now allowed by law to the constables of the city of Philadelphia.

May select constables to transact business.

When court may appoint constables.

Compensation.

SECTION 17. The said magistrates shall receive for their services the sum of three thousand dollars per annum, to be paid in quarterly payments upon the first Mondays of April, July, October and January.

Salaries of magistrates.

SECTION 18. The councils of the city of Philadelphia shall annually appropriate from the treasury of the city of Philadelphia, sufficient money to pay the salaries of said magistrates, constables and witness fees: *Provided*, No warrant shall be drawn on the city treasurer for salary of any magistrate who has not complied with the provisions of this act in relation to returns to be made to the city treasurer of costs, fines and penalties.

Councils to make appropriations for salaries and fees.

SECTION 19. All laws or parts of laws inconsistent with this act be and the same are hereby repealed.

Repeal.

APPROVED—The 25th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 148.

## AN ACT

To regulate damages pending a writ of error and the costs accruing thereon.

SECTION 1. *Be it enacted, &c.*, That in all cases in which a writ of error or an appeal from a decree in equity shall delay the proceedings on the judgment of the inferior court, and in the opinion of the supreme court the same shall have been sued out merely for delay, damages at the rate of six per centum per annum shall be awarded upon the amount of the said judgment or decree by the said supreme court, and an attorney fee of twenty dollars, and the cost of printing the paper book of the defendant in error or appellee, shall be taxed and collected as part of the costs of suit.

APPROVED—The 25th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 149.

## AN ACT

To provide for the appointment of inspectors of the state penitentiaries, as required by the twenty-first section of article fifth of the constitution of this commonwealth.

SECTION 1. *Be it enacted, &c.,* That the governor of this commonwealth shall have and exercise all the power and authority to appoint inspectors of the state penitentiaries possessed and exercised by the judges of the supreme court; and said inspectors shall make report annually to the legislature as heretofore required by law.

APPROVED—The 25th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 150.

## AN ACT

Relating to the appointment of inspectors, directors, managers, trustees, auditors and other officers of corporations or public boards by the courts.

How appointments  
to be made in cer-  
tain cases.

SECTION 1. *Be it enacted, &c.,* That in all cases where the appointment of inspectors, directors, managers, trustees, auditors of accounts and other officers of corporations or public boards has been, by law enacted prior to the present constitution, vested in a board or body composed in whole or in part of judges of the courts of this commonwealth, one or more of whom has now under the constitution become disqualified from exercising such appointing power, the remaining members of the appointing board or body shall continue to act nevertheless, with the same powers and authorities as before.

When the appoint-  
ing power to be  
vested in the com-  
mon pleas.

SECTION 2. That whenever, in any such case, the whole appointing board or body shall, by reason of the re-organization under the present constitution of the courts from which its members are taken, cease to exist in its aggregate capacity or shall lose a majority of its judicial members, all its powers and authorities shall be vested in and exercisable by the court or courts of common pleas of the particular county or the judges thereof: *Provided,* That where only the president judges of such pre-existent court or courts shall have been members of such appointing board or body, the said powers and authorities shall be vested in like manner only in the president judge or judges of the court or courts of common pleas of the particular county.

APPROVED—The 25th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 151.

## AN ACT

To cure defective acknowledgments of deeds by husband and wife of the property of the wife.

SECTION 1. *Be it enacted, &c.*, That no grant, bargain and sale, feoffment, deed of conveyance, release, assignment or other assurance of any lands, tenements and hereditaments whatsoever, bearing date prior to the year one thousand eight hundred and fifty, made, executed and delivered by husband and wife, and acknowledged before any officer duly authorized by law to take such acknowledgment, and in pursuance of which the purchaser has entered into and ever since continued, and is still in possession and enjoyment of the same, shall be deemed, held or adjudged invalid or defective or insufficient in law, by reason of any informality in such acknowledgment or omission to set forth that the husband so uniting with the wife in making, executing and delivering the same, had joined with her in such acknowledgment; but all and every such grant, bargain and sale, feoffment, deed of conveyance, release, assignment or other assurance so made, executed and acknowledged as aforesaid, under which possession has been taken and held as aforesaid, shall be as good, valid and effectual in law for transferring, passing and conveying the estate, right, title and interest of such husband and wife, of, in and to the lands, tenements and hereditaments mentioned in the same, as if all the requisites and particulars of such acknowledgment mentioned in the act passed the twenty-fourth day of February, one thousand seven hundred and seventy, were particularly set forth in the certificate thereof; and the record of the same, duly made in the proper office for recording of deeds in this commonwealth, and exemplifications of the same, lawfully certified, shall be legal evidence in all cases in which the original would be competent evidence; that any person whose rights would be sooner barred by this act shall not be barred for three years from its passage, and those persons now under a disability shall not be barred until the expiration of three years from the removal of such disability: *Provided*, That this act shall not apply to any case now pending.

APPROVED—The 26th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 152.

## AN ACT

Dividing the cities of this state into three classes, regulating the passage of ordinances, providing for contracts for supplies and work for said cities, authorizing the increase of indebtedness, and the creation of a sinking fund to redeem the same, defining and punishing certain offences in all of said cities, and providing for the incorporation and government of cities of the third class.

Cities divided into three classes.

SECTION 1. *Be it enacted, &c.*, That for the exercise of certain corporate powers, and having respect to the number, character, powers and duties of certain officers thereof, the cities now in existence or hereafter to be created in this commonwealth shall be divided into three classes.

1st class.

Those containing a population exceeding three hundred thousand, shall constitute the first class.

2d class.

Those containing a population less than three hundred thousand, and exceeding one hundred thousand, shall constitute the second class; and

3rd class.

Those containing a population less than one hundred thousand, and exceeding ten thousand, shall constitute the third class.

Corporate powers, number of officers, &c., to remain as now provided for.

The corporate powers and the number, character, powers and duties of the officers of cities of the first and second class, and those of the third class, now in existence by virtue of the laws of this commonwealth, shall be and remain as now provided by law, except where otherwise provided by this act

## NEW WARDS.

Quarter sessions court may divide and create wards.

Petition.

Five commissioners to be appointed. Their duties.

Report.

Election to be held on question of division.

SECTION 2. Wards in cities may be divided, or new wards therein created, by the court of quarter sessions of the proper county, on application thereto for that purpose by the petition of at least one hundred qualified electors thereof, or of the councils of such city; and upon such petition praying for a division of a ward, or for the erection of a new ward out of parts of two or more wards, the said court shall appoint five impartial men to inquire into the propriety of granting the prayer of councils; and it shall be the duty of the commissioners so appointed, or any four of them, to examine the premises, to make a draft of the ward to be divided, showing the division thereof, or of the new ward proposed to be created, as the case may be; and they shall make report thereof to the said court of quarter sessions at its next term, together with their opinion of the same; and at the term after that at which the report shall be made, the court shall take such order thereupon as to them shall appear just and reasonable. If the commissioners report favorably to such division or creation, the court shall order a vote of the qualified electors to be taken on the question of a division thereof, and shall appoint an election to be held on the day of the municipal or general election, when the election officers of the ward or wards proposed to be divided shall hold such election at the places and in the manner provided by law for

the regulation of municipal elections. It shall be the duty of the mayor of such city to give at least fifteen days' notice by advertisements in at least three newspapers; if so many be printed in said city, and by handbills posted in the most public places in said ward or wards, that such an election will be held, and of the time and place of holding the same. The judges and inspectors of election of said ward or wards shall receive from the electors thereof written or printed tickets having on the outside the word "division," and on the inside the words "against division," or "for division," and deposit the same in a box to be provided for that purpose. The officers of such election shall count the said tickets in the manner prescribed by law, and shall forthwith make out a return showing the number of votes for and against a division, and shall deliver the same to the clerk of the court of quarter sessions of the proper county within three days; and the said clerk shall record the same and lay the return before the court at its then next sessions. If it appear that a majority of the votes so taken are for a division, the said court shall thereupon order and decree a division of the said ward or wards, agreeably to the lines marked out and returned by the commissioners, and shall number the new wards, and shall cause a certified copy of the whole proceedings to be placed of record among the minutes of councils. If a majority of votes have been against a division, no further action shall be had upon such proceedings, nor shall any new application for a division of said ward or wards be heard for three years from the date of such election.

Notice.

Tickets.

Returns.

If majority be for division, court to order the same.

If against division, no new application to be heard for three years.

#### COUNCILS—GENERAL PROVISIONS.

**SECTION 3.** The legislative power of every city shall be vested in the councils thereof, which shall consist of two branches, the select and the common council. The term of office of the members of select councils shall be two years, and of the common councils one year, except in cities of the first class, where the term of office of members of select councils shall be three years and of the common councils two years.

The legislative power, vested in select and common councils.

Terms of members.

No ordinance shall be passed through councils except by bill, and no bill shall be so altered or amended on its passage through either branch as to change its original purpose.

Passage of ordinances.

No bill shall be considered unless referred to a committee, returned therefrom and printed for the use of the members; and

Reference and printing.

No bill shall be passed containing more than one subject, which shall be clearly expressed in its title.

To contain but one subject expressed in title.

**SECTION 4.** Every bill shall be read at length in each branch. All amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill; and no bill shall become a law upon the same day on which it was introduced or reported. On its final passage the vote shall be taken by yeas and nays, and the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each branch be recorded thereon as voting in its favor.

Bills to be read.

Amendments thereto to be printed.

Not to become law on days they are introduced or reported.

Yeas and nays.



Votes concurring in amendments and on reports of conference, to be by yeas and nays.

No amendment to bills by one branch shall be concurred in by the other, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either branch only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

Resolutions and ordinances to be engrossed and certified to mayor.

Every legislative act of the councils shall be by resolution or ordinance; and every ordinance or resolution, except as hereinafter provided shall, before it takes effect, be presented, duly engrossed and certified to the mayor for his approval.

Of their approval.

The mayor shall sign the said resolution or ordinance, if he approve it, or return the same to the branch of councils wherein such resolution or ordinance originated, within ten days, or at the next meeting of councils after ten days have expired, if he does not approve it, with the reasons therefor; and if thereupon each branch of councils pass the same within five days of such veto, by a vote of three-fifths of all the members elected to each branch, it shall become effective as though the mayor had signed the same; it shall equally become effective if he should neglect to return the same within such ten days.

Veto.

When to become laws over veto, and by limitation.

Mayors of cities of 2d and 3d classes, to supervise conduct of officers.

The mayors of cities of the second and third class shall supervise the conduct of all city officers, examine the grounds of all reasonable complaints made against any of them, and cause all of their violations or neglect of duty to be promptly punished, or reported to the proper tribunal for correction; and for the purposes aforesaid he is hereby empowered to issue subpoenas and compulsory process for the production of such persons and such books and papers as he may deem necessary.

Councils to prescribe number, &c., of officers of each branch.

SECTION 5. The councils of every city shall prescribe by ordinance the number, duties and compensation of the officers and employees of each branch, and no payment shall be made from the city treasury, or be in any way authorized, to any person except to an officer or employee elected or appointed in pursuance of law and

No extra compensation to officers or contractors.

No ordinance shall be passed, except by a two-third vote of both councils, and approved by the mayor, giving any extra compensation to any public officer, servant, employee, agent or contractor after services shall have been rendered or contract made, nor providing for the payment of any claim against the city, without previous authority of law; and any officer drawing any warrant, or passing any voucher for the same, or paying the same, shall be guilty of a misdemeanor, and on conviction thereof, be punished by a fine not exceeding five thousand dollars, and imprisonment not exceeding one year.

Statement of delinquent tax-payers, to be published.

That it shall be the duty of the receiver of taxes of all cities of the first class, to publish a detailed statement of all delinquent tax-payers therein, in five daily and two Sunday newspapers, and in such one paper as is now authorized by law to publish advertisements of legal notices, within one week succeeding the fifteenth day of January of each year

giving the name of the delinquent, the property upon which the taxes is due and the amount of the same, the same number of times as is now required by law; and the city solicitor shall direct the publication of all municipal liens in the same manner; and all ordinances of the councils of said city, within five days after their passage, shall be advertised in five daily and two Sunday newspapers, by the mayor of such cities, in like manner.

And of municipal liens.

Also, all ordinances of councils.

SECTION 6. All stationery, printing, paper and fuel used in the councils, and in other departments of the city government, and all work and materials required by the city, shall be furnished, and the printing and all other kinds of work to be done for the city, shall be performed under contract to be given to the lowest responsible bidder, under such regulations as shall be prescribed by ordinance; and it shall be the duty of councils forthwith to enact such ordinances; no member or officer of councils, or any department of the city governments, shall be in any way interested in such contracts, directly or indirectly, either at its inception or during the progress of its fulfillment, or furnish any materials or supplies or labor for such contracts.

Stationery, printing, &c., to be given by contract to lowest bidder.

Officers not to be interested in contracts.

SECTION 7. No money shall be paid out of the city treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

Payment of moneys from treasury.

SECTION 8. A member of councils who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding expressed or implied that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery and shall upon conviction thereof be punished by fine not exceeding ten thousand dollars, and by separate and solitary confinement at labor for a period not exceeding five years, and shall be forever incapable of holding any place of profit or trust in this commonwealth.

Bribery by members of councils.

SECTION 9. Any person who shall directly or indirectly, offer, give or promise any money or thing of value, testimonial, privilege or personal advantage to any member of councils to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as that offence is by law punishable.

Bribery of members of councils.

SECTION 10. A member who has a personal or private interest in any measure or bill proposed or pending before councils, shall disclose the fact to the branch of which he is a member and shall not vote thereon. If such interested member shall vote without disclosing his interest in such

Interested members shall not vote.

Forfeiture of office to be the penalty therefor.

measure or bill, and the same be carried by his vote, such member shall forfeit his office.

Sinking fund tax to be levied.

SECTION 11. That for the purpose of creating a sinking fund for the gradual extinguishment of the bonds and funded debt of the respective cities of this commonwealth, the councils of each thereof shall annually, (until payment of the bonds and funded debt be fully provided for) levy and collect, in addition to the other taxes of said corporation, a tax of not less than one mill, and not exceeding three mills, upon the assessed value of the taxable property of each of said cities, to be called the sinking fund tax, which shall be paid into the city treasury, and shall be applied towards the extinguishment of said bonds and funded debt in the order of the date of issue thereof, and to no other purpose whatever; and said bonds when purchased, shall be conspicuously stamped to show that they were purchased for the sinking fund of said city, and the interest on said bonds shall be collected and used in like manner with the taxes collected for said sinking fund. The councils of any city of

How to be applied.

Increase of debt of 1st class cities beyond seven per cent. on valuation, authorized.

Ordinances for borrowing money.

the first class, the debt of which now exceeds seven per centum upon the assessed value of the taxable property therein, shall be and they are hereby authorized to increase the said debt one per centum upon such valuation: *Provided*, That no money shall hereafter be borrowed on the faith and credit of said cities, unless the ordinance or other authority authorizing the same shall have been introduced at one stated meeting of the common council, and the draft thereof published in at least two of the newspapers of the city, daily, four weeks before the final consideration and passage thereof by the said common council; and at any stated meetings of the select council held at least one week after the final consideration of any such ordinance by the common council, the select council may consider and act upon any such ordinance; but the select council shall not originate any ordinance or other authority for borrowing money; and no loan shall be authorized without a vote of two-thirds of the whole number of members of each council: *And provided also*, That the specific purpose or purposes for which the said loan is authorized shall be distinctly set out in the said ordinance, and that the moneys received for said loan shall not be used for any purposes other than those so stated: *And provided further*, That the said city shall, at or before the time of authorizing the said loan, provide for the collection of an annual tax sufficient to pay the interest and also the principal of the said loan within thirty years.

Purposes for which loan authorized, to be set forth.

City to provide tax to pay loan within 30 years.

City property not to be used for private gain by officers, nor used without authority.

SECTION 12. No portion of the property of any of said cities shall be used for purposes of private gain by any official, councilman, agent or employee of said city, or of any department thereof, nor shall the same be wilfully used or injured, or sold or disposed of in any manner, without the consent of councils, by any such official, councilman, agent or employee. Nor shall any official, councilman, agent or employee of said city, or any department thereof, be interested, either directly or indirectly, either personally or as a member or officer of any firm, company or corporation con-

Officers not to be interested in contracts for use of works, &c.

tracting with the said city, or any department thereof, for the use, lease, occupation or enjoyment of any of the works, material or property of said city; and any breach of the provisions of this section shall be a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding one thousand dollars and imprisonment not exceeding one year or either, at the discretion of the court trying the same; and upon such conviction, the party offending shall be forthwith removed from his office or employment, and shall not be eligible to appointment to any place of profit or trust under said city or any department thereof.

Penalty for violating section.

SECTION 13. That the municipal authorities and courts having jurisdiction in any city of this commonwealth, shall have exclusive control and direction of the opening, widening, narrowing, vacating and changing grades of all streets, alleys and highways within the limits of such city, and may open or widen streets of such width as may be deemed necessary by such city authorities and courts; proceedings to be had in such cases as are now required by law. Streets commenced under any special authority shall be completed, unless otherwise decided by councils; and any of said cities may, with the consent of the courts of quarter sessions of the proper county, enter security for damages to private property by reason of street improvements, in such sum or sums as the said court may direct.

Municipal authorities and courts, to have exclusive control of streets.

Security for street damages.

#### CITIES OF THIRD CLASS—MODE OF CHARTERING.

SECTION 14. Cities of the third class shall be chartered, whenever a majority of the electors of any town or borough, or of any two or more contiguous towns or boroughs, having a population of at least ten thousand, shall vote at any general election in favor of the same; and whenever the corporate authorities of any such town or borough shall, by resolution thereof, duly passed and recorded among the minutes thereof, determine to hold an election upon the question of becoming a city, they shall give notice thereof, during at least four weeks immediately prior to the next general election, in all of the newspapers published in said town or borough, that such an election will be held; and at the said general election it shall be the duty of the inspectors and judges of elections within said town or borough, to receive tickets, either written or printed, from the electors therein, qualified to vote by the constitution of this state, labelled on the outside "city charter," and containing on the inside "for city charter" or "against city charter," and to deposit said tickets in a box to be provided for that purpose; and the tickets so received shall be counted and a return thereof made to the clerk of the court of quarter sessions of the peace of the proper county, and a duplicate return thereof to the secretary of the commonwealth, each duly certified in the manner required by law; and in receiving and counting, and in making returns of the votes cast, the inspectors, judges and clerks of said election shall be governed by the laws of this commonwealth regulating general elections; and all the voters, inspectors, judges and clerks voting at

How cities of the 3d class incorporated.

Election to be held.

Tickets.

Returns.

How election officers to be governed.

*act 8 June 1874*

and in attendance upon the elections to be held under the provisions of this act, shall be subject to the penalties imposed by the election laws of this commonwealth.

When majority against city charter, no further proceedings to be had for three years.

If for city charter, letters patent to issue.

SECTION 15. Whenever by the returns of elections in any town or borough aforesaid it shall appear that there is a majority against a city charter no further proceedings shall be had, and it shall not be lawful to hold another election upon that question in that town or borough for three years thereafter; if it shall appear by the said returns that there is a majority in favor of a city charter, the governor of this commonwealth shall issue letters patent, under the great seal of the state, reciting the facts, defining the boundaries of the said city and constituting the same a body corporate and politic, by the name of the city of \_\_\_\_\_, and the corporate authorities of any such town or borough shall, within sixty days after such election, furnish to the secretary of the commonwealth the necessary information in regard to the boundaries of the said city.

How adjacent property may be annexed to cities of 3d class.

Petition.

Viewers to be appointed.

Report.

Payment of costs.

SECTION 16. Upon the application by petition, signed by a majority or more of the taxable citizens, owners of any out-lots or section of land not less than forty acres lying adjacent to any city of the third class, to the court of quarter sessions of the county in which such city is located, stating that the taxable citizens residing on said out-lots or adjacent section of land desire to be annexed to said city, the necessity therefor, describing the land or lots to be annexed, with a map or draft of the same showing, which petition shall be sworn to by one or more of the petitioners and accompanied by a joint resolution of the councils of said city approving of the annexation, the said court shall thereupon appoint five viewers to inquire into and investigate the allegations and facts stated by the petitioners in their petition, and they, or a majority, shall make report to said court at its next session after their appointment; if they report that they find the statements and facts of said petition to be true and recommend the annexation as prayed for, the said court shall thereupon make an order or decree to carry the same into effect, and said section of land or out-lots shall ever thereafter be a part of said city, subject to its jurisdiction and government, as fully as if the same had been originally a part of said city. The cost of the proceedings in all cases shall be paid by said city. If the report of said commissioners shall be adverse to the prayer of the petitioners the same shall be dismissed.

#### PROPERTY VESTED.

Property of towns becoming 3d class cities, to be vested in cities.

SECTION 17. That all the property and estates whatsoever, real and personal, of the town and borough which shall thus have become a city of the third class, are hereby severally and respectively vested in the corporation or body politic of said city, its successor, by the name, style and title aforesaid, to and for the use and benefit of the citizens thereof forever; and until the corporation of the said city shall be duly organized under this act the charter of the said town or borough shall continue in full force and operation, and all officers

under the same shall be appointed and hold their offices as they now may or can do by law; and as soon as the charter obtained under this act shall go into operation all suits, prosecutions, debts and claims whatever shall by force thereof become transferred to the said city, which in all suits pending shall be substituted as party therein, and be under the management and control thereof, as fully and completely as if no alteration had been made in the said charter; and all claims and demands, of whatever nature, whether payable presently or in future, existing against the said town or borough when the said charter shall go into operation, shall by force thereof be recoverable from or against the said city: *Provided*, That where two or more towns or boroughs shall, under the provisions of this act, be consolidated into a city, and where any city heretofore incorporated and accepting the provisions of this act shall have been formed by the consolidation of two or more towns or boroughs, and it shall have been provided in the act of incorporation of said city, that each of said towns or boroughs should pay its own prior indebtedness, the debt or debts of each of said towns or boroughs contracted prior to such consolidation shall be paid by such towns or boroughs respectively, and for the liquidation of the same the authorities of such city shall have power to adjust and provide for the same, and shall have power to levy separate rates of taxation on all property subject to taxation within the boundaries of the said towns or boroughs respectively.

Suits to become transferred.

Claims against such towns.

#### CORPORATE POWERS.

**SECTION 18.** From and after the issuing of the said letters patent the said city shall be a body corporate and politic, shall have perpetual succession and shall have power,

Corporate powers, defined.

*First.* To sue and be sued.

*Second.* To purchase and hold real and personal property for the use of the city.

*Third.* To lease or to sell and to convey any real or personal property owned by the city, and to make such order respecting the same as may be conducive to the interests of the city.

*Fourth.* To make all contracts and do all other acts in relation to property and affairs of the city necessary to the exercise of its corporate or administrative powers.

*Fifth.* To have and use a corporate seal, and alter the same at pleasure; and every such seal shall have upon it the word "Pennsylvania," the name of the city and the date of incorporation.

*Sixth.* To exercise such other and further powers as are or may be conferred by law.

The powers hereby granted shall be exercised by the mayor and councils of such cities in the manner hereinafter provided.

How to be exercised.

#### MEMBERS OF COUNCIL.

**SECTION 19.** Each of the wards of said city shall have one member of the select council of the said city, who shall be

Number and qualifications of councilmen.

an inhabitant of the ward from which he shall be elected, and who shall be qualified to serve as a member of the senate of the commonwealth; and each of the said wards shall have two members of the common councils of the said city, and shall have in addition thereto one member of the common council of the said city for every three hundred taxable inhabitants, and for every fraction thereof exceeding in number two hundred, who shall be an inhabitant of the ward from which he shall be elected, and qualified to serve as a member of the house of representatives of this commonwealth; and no ward shall be entitled to more than four members of common councils; in cities containing twelve wards or more, each of the said wards shall have but one member of the common council, and shall have in addition thereto one member for every four hundred taxable inhabitants, and for every fraction thereof exceeding in number three hundred: *Provided*, That in any city of the third class in which the number of wards shall be less than five, each ward shall elect two members of select council.

#### POWERS OF COUNCIL. .

Mayor and councils  
of 3d class cities to  
control city, and  
enact ordinances.

**SECTION 20.** The mayor and councils of each city of the third class governed by this act shall have the care, management and control of the city and its finances, and shall have the power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state; and such as it shall deem expedient for the good government of the city, the preservation of the peace and good order, the suppression of vice and immorality, the benefit of trade and commerce, and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be necessary to carry such powers into effect, and the same to alter, modify or repeal at pleasure.

3d class cities em-  
powered to enact  
ordinances for cer-  
tain purposes.

The said cities of the third class coming under the provisions of this act in their corporate capacities are authorized and empowered to enact ordinances for the following purposes, in addition to the other powers granted by this act.

Levy 10 mill tax.

*Clause 1.* To levy and collect taxes for general revenue purposes, not to exceed ten mills on the dollar, in any one year, on all the real, personal and mixed property within the limits of said cities, taxable according to the laws of the state of Pennsylvania, the valuation of such property to be taken from the assessed valuation of the taxable property therein made under the provisions of law regulating the same.

Open and improve  
streets, make side-  
walks, &c.

*Clause 2.* To open and improve streets, avenues and alleys, make sidewalks and build bridges, culverts and sewers within the city, and for the purpose of paying for the same, shall have power to provide for the payment of the same from the general revenue, or by assessments on real estate benefited thereby, as provided in clauses thirty-two and thirty-three of this section, and also to make assessments therefor as provided in clauses three and four, to wit:

Impose poll tax.

*Clause 3.* To impose a poll tax not exceeding one dollar on all able-bodied males between the ages of twenty-one and fifty years.

*Clause 4.* To levy and collect license tax on auctioneers, contractors, druggists, hawkers, peddlers, bankers, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, public boarding houses, dram shops, saloons, liquor sellers, billiard tables, bowling alleys, and other gaming tables; drays, hacks, carriages, omnibuses, carts, wagons, street railroad cars and other vehicles used in the city for pay; lumber dealers, furniture dealers, saddle or harness dealers, stationers, jewelers, livery stable keepers, pavement stands, real estate agents, express companies or agencies, telegraph companies or agencies, shows, theatres, and all kinds of exhibitions for pay, and regulate the same by ordinance. Levy tax on auctioneers, contractors, druggists, &c.

*Clause 5.* To restrain, prohibit and suppress tippling shops, billiard tables, bowling alleys, houses of prostitution and other disorderly houses and practices, games and gambling houses, desecration of the Sabbath day commonly called Sunday, and all kinds of public indecencies. Suppress tippling houses, billiard rooms, &c.

*Clause 6.* To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within five miles of the city. Prevent introduction of contagious diseases.

*Clause 7.* To erect, establish and regulate hospitals, work-houses and poor houses, and to provide for the government and support of the same. Establish hospitals, &c.

*Clause 8.* To make regulations to secure the general health of the city, and to remove and prevent nuisances. Sanitary regulations.

*Clause 9.* To have at all times the exclusive right to supply with water, the city and such persons, partnerships and corporations therein as may desire the same, at such prices as may be agreed upon, and for that purpose to have at all times the unrestricted right to make, erect and maintain all proper water works, machinery, buildings, cistern, reservoirs, pipes and conduits for the raising, reception, conveyance and distribution of water, or to make contracts with and authorize any person, company or association to erect all proper water works, machinery, buildings, cisterns, reservoirs, pipes and conduits for the raising, reception conveyance and distribution of water, and give such persons, company or association the exclusive privilege of furnishing water as aforesaid, for any length of time not exceeding ten years. Exclusive right to supply water, erect works, and make contracts.

*Clause 10.* To establish, regulate and support night watch and police, and define the powers and duties of the same. Night watch and police.

*Clause 11.* To provide for and regulate the lighting of the streets and the erection of lamp posts. Lighting of streets.

*Clause 12.* To purchase and own grounds for and to erect and establish market houses and market places, and to regulate and govern the same; and also to contract with any person or persons, or association of persons, companies or corporations, for the erection and regulation of said market houses and market places, on such terms and conditions and in such manner as the council may prescribe, and raise all necessary revenue therefor as herein provided. Market houses, and market places.



City buildings.

*Clause 13.* To provide for the erection and government of any and all useful or necessary buildings for the official use of the city.

Lock-ups or watch houses.

*Clause 14.* To provide by ordinance for the erection or purchase of lock-ups or watch houses in some convenient part of said city, for the detainer and confining of vagrants and persons arrested by the police officers, until the persons so arrested can be taken before the proper magistrate for hearing and committed to prison or discharged; but no person shall be detained in said watch house for a longer time than twenty-four hours, except upon the order of a magistrate legally authorized, who may commit such person for further hearing.

Period of confinement.

Removal of officers for misconduct, and creation of offices.

*Clause 15.* To provide for removing officers of the city for misconduct, whose offices are created and made elective by this act, and shall have power to create any office that they may deem necessary for the good government and interest of the city.

Regulate police, and impose and collect fines.

*Clause 16.* To regulate the police of the city and to impose fines, forfeitures and penalties for the breach of any ordinance, and also for the recovery and collection of the same, and in default of payment, to provide for confinement in the city prison, or to hard labor in the city upon the streets or elsewhere, for the benefit of the city.

Imprison in default of payment.

Prescribe powers, &c., of officers.

*Clause 17.* To regulate and prescribe the powers and duties and compensation of all officers of the city.

Require security from officers.

*Clause 18.* To require from all officers and agents elected or appointed, bonds and security for the faithful performance of their duties.

Exclusive right to supply gas, erect works, and make contracts.

*Clause 19.* To have the exclusive right at all times to supply with gas light the said city, and such persons, partnerships and corporations therein as may desire the same, at such prices as may be agreed upon; and also at all times to have the unrestricted right to make, erect and maintain the necessary buildings, machinery and apparatus for manufacturing and distributing the same, or to make contracts with and authorize any person, company or association so to do, and to give such persons, company or association, the exclusive privilege of supplying gas as aforesaid for any length of time not exceeding ten years.

Establish and alter channels of water courses, &c.

*Clause 20.* To establish alter and change the channels of water courses, and to wall them and cover them over, to establish, make and regulate public wells, cisterns, aqueducts and reservoirs of water, and to provide for filling the same.

Running at large of animals.

*Clause 21.* To regulate the running at large of cattle, hogs, horses, mules, sheep, goats, dogs and other animals, and to cause such as may be running at large to be impounded and sold to discharge the costs and penalties provided for the violation of such prohibitions and the expenses of impounding and keeping, the same and of such sale; to regulate and provide for taxing the owners and harboreis of dogs, and to destroy dogs found at large contrary to any ordinances regulating the same.

Taxing and killing of dogs.

Erection of pens, pounds, &c.

*Clause 22.* To provide for the erection of all needful pens, pounds and buildings for the use of the city within or with-

out the city limits, and to appoint and compensate keepers thereof, and to establish and enforce rules governing the same.

*Clause 23.* To regulate the construction of and order the suppression of and cleaning of fire places, chimneys, stoves, stove pipes, ovens, boilers, kettles, forges or any apparatus used in any building, manufactory or business which may be complained of by any citizen, before the mayor, as dangerous in causing or promoting fires, and to prescribe limits within which no dangerous or obnoxious and offensive business may be carried on.

Construction of fire places, chimneys, &c.

*Clause 24.* To prescribe limits within which no buildings shall be constructed except of brick, stone or other incombustible material, with fire-proof roof, and to impose a penalty for the violation of such ordinance.

Prescribe limits within which wooden buildings shall not be erected.

*Clause 25.* To procure fire engines, hooks, ladders, buckets and other apparatus, and to organize fire engine, hook and ladder, bucket companies, and to prescribe rules of duty and the government thereof, with such penalties as the council may deem proper, to exceeding one hundred dollars, and to make all necessary appropriations therefor.

Fire apparatus and fire companies.

*Clause 26.* To provide for the construction and maintenance of levees, and to establish and enforce suitable police regulations for the protection of persons and property at public squares, parks, depots, depot grounds and other places of public resort.

Construction of levees, and protection of persons and property at public squares, parks, &c.

*Clause 27.* To provide for the construction and maintenance of bridges or other crossings over railway tracks at the intersection of public streets, and to enter into contracts with railroad or railway companies in reference to the construction and maintenance of the same; and also to make reasonable regulations concerning the rate of speed at which railway engines, cars and trucks, shall pass upon or across the streets within the built portions of said cities.

Construction of bridges over railway tracks at intersection of streets.

Rate of speed of engines and cars.

*Clause 28.* To establish standard weights and measures to be used in the city, and to regulate the weighing and measuring of every commodity sold in the city, in all cases not otherwise provided by law.

Weights and measures.

*Clause 29.* To provide for the inspection and weighing of hay, grain and coal, and the measuring of wood and fuel to be used in the city, and to determine the place or places of the same, and to regulate and prescribe the place or places of exposing for sale, hay, coal and wood, to fix the fees and duties of persons authorized to perform the duties named in this sub-division.

Inspection and weighing of hay, grain and coal, measuring of wood, &c.

*Clause 30.* To remove all obstructions from the side-walks, curb-stones, gutters and cross-walks at the expense of the owners or occupiers of the ground fronting thereon, or at the expense of the person placing the same there, and to require and regulate the planting and protection of shade trees in the streets, the building of cellar and basement ways and all other excavations through and under the side-walks in said city.

Obstructions on side-walks.

Planting and protection of shade trees, building of cellar ways, &c.

*Clause 31.* To make and establish such and so many rules and regulations as to them may seem expedient for the better

Regulation of porches, door-steps, &c.

Boxes, bales, &c.,  
on side-walks.

Protection of mar-  
kets.

Grading and pay-  
ing of streets, as-  
sessment of street  
damages, &c.

Taxes to pay loans,  
support the govern-  
ment and make im-  
provements.

All taxes on real  
estate to be prior  
iens.

regulation of porches, porticoes, benches, door-steps, railings, bulk or jut windows, areas, cellar doors and cellar windows, signs and sign posts, boards, poles or frames, awnings, awning posts or other device or thing projecting over, under, into or otherwise occupying the side-walk or other portion of any of the streets, lanes and alleys, and in relation to boxes, bales, barrels, hogsheads, crates or other articles of merchandise, lumber, coal, wood, ashes, building materials, or any other article or thing whatsoever, placed in or upon any of the said foot-ways, side-walks or other portion of the said streets or alleys, and for the better protection and regulation of markets, market stands and market houses.

*Clause 32.* To cause to be graded, paved or macadamized any public street, lane or alley or parts thereof, which is now or may hereafter be laid out and opened in any of the said cities, and have the same set with curb-stone, and to provide for the levy and collection of the cost and expense of the same from the owners of the real estate bounding and abutting thereon, by an equal assessment on the feet front bounding or abutting as aforesaid; but councils shall not order any street, lane or alley or any part thereof to be paved, except upon the petition of a majority of the persons holding real estate on said street, lane or alley, or the part thereof proposed to be graded or paved; and councils shall provide by ordinance for assessing the damages sustained by any property from the grading of any street, lane or alley under this act, upon the property that may be benefitted thereby, and at the expense of the owner or owners of property adjoining, to regulate, grade, pave and re-pave, curb and re-curb the said foot-ways or side-walks; and the said ordinances, rules and regulations to execute under the direction or superintendence of such person or persons as they may authorize or appoint, and the same to enforce by suitable penalties, which penalties and the expense of paving and re-paving, curbing and re-curbing as aforesaid, shall be recoverable before any alderman of said city, or before any court having jurisdiction, in the same manner that debts of like amount are by law recoverable.

*Clause 33.* To provide for the assessment and collection of taxes not exceeding one per centum upon the assessed valuation in any one year on all persons, real and personal property and all other matters and things within said city taxable for state and county purposes, for the payment of loans to support the government and make the necessary improvements in said city; and the assessors in the several wards shall perform the duties of city assessors in conformity with the provisions of this act and the ordinances of said city; all taxes assessed and levied upon real estate in pursuance of this act and the laws and ordinances of said city, shall be a lien on such real estate from the time of such levy, and the lien hereby created shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility which the said real estate may become charged with or liable to, from and after the passage of this act; nor shall the defendant or

defendants or other persons in any writ of *fieri facias*, *venditioni exponas* or *levari facias*, be entitled to claim any exemption under a levy and sale of any real estate charged with such tax against the allowances or payment of the same.

Defendants not entitled to benefit of exemption laws.

**Clause 34.** To prevent and restrain riots, routs, noises, disturbances or disorderly assemblies in any street, house or place in the city; to regulate punish and prevent the discharge of fire-arms, rockets, powder, fireworks or any other dangerous combustible material, in the streets, lots, grounds, alleys or about in the vicinity of any buildings; to regulate prevent and punish the carrying of concealed weapons; to arrest, regulate, punish, fine, or set at work on the streets or elsewhere all vagrants and persons found in said city without visible means of support or some legitimate business; to prevent and remove all encroachments into and upon all side-walks, streets, avenues, alleys and other city property, and to prevent and punish all horse racing, fast driving or riding in the streets, highways, alleys, bridges or places in the city, and all games, practices or amusements therein likely to result in damage to any person or property; to regulate, prevent and punish the riding, driving or passing of horses, mules, oxen, cattle or other teams, or any vehicle drawn thereby, over upon or across sidewalks, or along any street of the city.

Prevent riots, routs, &c.

Discharge of fire-arms, &c.

Carrying of concealed weapons.

Vagrants.

Encroachments on side-walks, horse racing, &c.

**Clause 35.** To make all such ordinances, by-laws, rules, regulations and resolutions not inconsistent with the laws of the state, as may be expedient, in addition to the special powers in this section granted, maintaining the peace, good government and welfare of the city, and its trade, commerce and manufactories, and to enforce all ordinances by inflicting penalties upon inhabitants or other persons for violation thereof, not exceeding one hundred dollars for any one offence, recoverable with costs, together with judgment of imprisonment, if the amount of said judgment and costs shall not be paid.

Make and enforce ordinances for maintaining peace and welfare of city.

**Clause 36.** To appropriate money and provide for the payment of the debts and expenses of the city.

Appropriate money.

**Clause 37.** To divide the city into wards, establish the boundaries thereof, and number the same, under and subject to the provisions of section two of this act; but no city of this class shall contain more than twelve wards, unless the population thereof shall exceed thirty-five thousand, in which case the limit shall be eighteen.

Divide city into wards, establish boundaries, and number same.

Number of wards limited.

**Clause 38.** To open, widen or otherwise improve or vacate any street, avenue, alley or lane within the limits of the city, and also to create, open and improve any new street, avenue, alley or lane.

Open, improve and vacate streets.

**Clause 39.** To create, open, widen or extend any street, avenue, lane or alley, or annul, vacate or discontinue the same whenever deemed expedient for the public good.

Create and extend streets, &c.

**Clause 40.** To issue from time to time street bonds to contractors, or other persons performing work or furnishing materials in said city, on such terms and in such manner as the council may provide.

Issue street bonds.

Borrow money.

*Clause 41.* To borrow money on the credit of the city, and pledge the credit, revenue and public property thereof for the payment of the same, to an amount not exceeding two per centum upon the assessed value of the taxable property in said city, and with the consent of the people of the said city, obtained at an election held under the provisions of the constitution and of the general laws of this commonwealth, to increase the indebtedness of such city, to an amount not exceeding in the aggregate seven per centum upon the assessed valuation of the property therein.

Increase debt, with consent of people.

Provide for issuing bonds, and for application of ones already issued.

*Clause 42.* To provide for the issuing of bonds, and for the application of bonds already issued by cities heretofore incorporated, for the purpose of funding any and all indebtedness now existing or hereafter created of the city now

Payment of bonds.

due or to become due: *Provided*, That said bonds shall be payable in not less than five years, and not more than twenty years from date of their issue, and that said bonds shall bear interest at a rate not exceeding six per centum per annum, with interest coupons attached, payable annually or semi-annually; and the taxes levied to pay the same shall be payable only in cash, or said coupons; and the said bonds shall not be sold or exchanged for less than ninety per cent. or their par value.

Interest thereon.

Taxes to pay same.

Sale or exchange of same.

Make provisions for sinking fund to pay bonded indebtedness.

*Clause 43.* To make provision for a sinking fund, to pay at maturity the bonded indebtedness of the city, and to levy and collect taxes on all the taxable property in the city, in addition to other taxes, for the purpose of paying the same, and to provide that the said tax shall be within the amounts and be applied inviolably to the payment of said debt as provided in section eleven of this act; but in cities accepting the provisions of this act, which, prior to the adoption of the new constitution, had an indebtedness exceeding the limits thereof fixed therein, it shall be lawful to levy and collect taxes to an amount sufficient to pay the accrued interest on said debt, and to devote, not exceeding three mills on the dollar of the assessed valuation therein, to the sinking fund, provided for in section eleven of this act.

Purchase lands for park, with consent of electors.

*Clause 44.* The said city councils shall have power by and with the consent of a majority of the qualified electors thereof obtained at an election held therefor at a time and place to be by councils fixed, to purchase lands and premises for public parks for said city, and shall have the right and power to levy and assess such special taxes for said purposes as may be necessary to pay for the same.

Levy taxes for such purposes.

Appoint and remove city engineer and assistants.

*Clause 45.* To appoint biennially a competent city engineer, with such assistants and with such compensation for such city engineer and his assistants as they may deem proper, and shall have power to remove such engineer and assistants at the pleasure of councils, and in case of vacancies in said appointments to fill the same.

Enter upon lands to set out foundations and regulate walls.

*Clause 46.* To enter upon the land or lands, lot or lots, of any person or persons within said city, at all reasonable hours, by their duly appointed city engineer, in order to set out the foundations and regulate the walls to be built between party and party as to the breadth and thickness

thereof, which foundation shall be laid equally upon the lands of the persons between whom such party wall is to be made, and the first builder shall be re-imburshed one moiety of the charge of such party wall, or for so much thereof as the next builder shall have occasion to make use of, before such next builder shall or may use or break into said wall.

How foundations to be laid.

First builder to be re-imburshed.

*Clause 47.* To enter upon the land or lands, lot or lots, of any person or persons within said city, at all reasonable hours, and by their city engineer regulate partition fences; and when adjoining parties do improve or enclose their lots, such fences shall be made in the manner generally used, and kept in good repair at the equal cost of the parties unless the owners or possessors between whom such fence is or shall be erected to agree otherwise.

Enter upon lands and regulate partition fences.

How such fences to be made and kept in repair.

#### REGULATIONS IN COUNCILS.

**SECTION 21.** All ordinances of cities of the third class shall be passed pursuant to such rules and regulations as the council may provide, in accordance with this act; and all ordinances of the city may proved by the certificate of the clerk under the seal of the city, and when printed or published in book or pamphlet form, and purported to be published by authority of the city, shall be read and received in evidence in all courts and places without further proof.

How ordinances of 3rd class cities shall be passed.

How proven.

To be evidence when published by authority.

**SECTION 22.** The councils shall cause to be published once in each year in the month of January, a statement of receipts and expenditures of the city, and a statement of the financial condition of the city, showing all of its liabilities, permanent and temporary, and a schedule of its assets, which shall be published once a week during four weeks, in all the newspapers published therein.

Statement of receipts and expenditures, and of financial condition, to be published annually.

**SECTION 23.** The doors of the respective halls of the said select and common councils shall be open for the admission of all orderly and peaceable persons who shall be desirous of being present; and all voting in the said select and common councils, or in any convention of the same, upon the final passage any by-law, regulation, ordinance or constitution, or upon the election or removal of any officer, shall be by yeas and nays.

Doors to be open for admission.

Vote on final passage, to be by yeas and nays.

**SECTION 24.** The members of the select and common councils shall be sworn or affirmed to support the constitution of the United States and of the commonwealth of Pennsylvania, and to discharge the duties of their office with fidelity; and the president elect of each branch shall also be sworn or affirmed to perform his duties as president with fidelity, which oath or affirmation shall be administered to him by a member of the branch to which he belongs, appointed for that purpose; and the president so sworn or affirmed shall administer the oaths or affirmations to the members elect and officers of their respective branches.

Members to be sworn.

**SECTION 25.** Each branch of the councils shall judge of the qualifications of its members; and contested elections shall be determined by the courts of law, in such manner as shall be directed by law; a majority of each council shall constitute

Each branch to judge of qualifications of members.

Contested elections.

**Quorum.**

Powers of less number.

a quorum to do business, but a less number may adjourn from time to time, and have power to compel the attendance of absent members, under such rules and penalties as may be provided by ordinance or rule.

**Rules of proceedings.**

SECTION 26. Each branch of councils may determine the rules of its proceedings, which shall, however, not be inconsistent with any joint rule that may be adopted by the two branches of said councils, and each branch shall have power and authority to vacate the seat of any of its members for misbehavior, neglect of duty or misdemeanor; each branch shall keep a journal of its proceedings, which shall be at all times open to public inspection, and the yeas and nays of the members on any question shall, at the request of any two of them, be entered on the journal; all the voting in the said select and common councils, or in any convention of the same, shall be *viva voce*.

Power to vacate seat of a member.

**Journal.****Mode of voting.**

Vacancies, how filled.

SECTION 27. Whenever a vacancy or vacancies shall happen in either branch of said councils by death, resignation, removal from the ward or otherwise, such branch shall order an election to fill such vacancy or vacancies, to be held in the proper ward or wards, at such times as shall be by such council respectively appointed, giving at least ten days' public notice of such election.

**Meetings.**

SECTION 28. The select and common councils shall assemble for the transaction of business on the second and last Saturdays of every month, in each year, and at such other times as they may deem necessary.

Passage and approval of ordinances.

SECTION 29. Any ordinance which shall have been passed by the councils shall be presented to the mayor; if he approves he shall sign the same, but if he shall not approve, he shall return it with his objections to the council, who shall proceed to re-consider it; if after such re-consideration, two-thirds of the members elected to each branch of the councils shall pass such ordinance, it shall be a binding ordinance and become a law, valid to all intents and purposes as if the same had been approved of by the said mayor, but in all such cases the votes of council shall be determined by yeas and nays, and the names of the members of council so voting shall be entered on the minutes of said council; every ordinance which the mayor shall not return within fifteen days shall have the same force and effect as if it had been approved of by the said mayor; the said mayor may approve ordinances in vacation of council, and may call special meetings of council to re-consider ordinances which he does not approve, on one day's notice to each member of the said council; and in case of the temporary absence or inability of the mayor to act, the councils shall, if necessary, appoint a mayor to serve until he shall return or be able to resume the duties of his office; and whenever a vacancy shall occur in the office of mayor by death or otherwise, it shall be the duty of councils to meet in joint convention, and by a majority of all the members elected to both branches, elect *viva voce* a person qualified as aforesaid to serve as mayor, who shall continue in office until the Friday succeeding the next municipal election, at which time a mayor shall be elected to serve for the

Temporary absence or inability of mayor.

Vacancy in office of.

term of two years; the salary or compensation of the office Salary.  
of mayor shall be fixed by councils every two years before  
the election of a mayor; policemen, watchmen, and all offi- Compensation of  
cers appointed by the said council, shall receive the compen- policemen, watch-  
sation fixed by the ordinances of council, and it shall be a men, &c.  
misdemeanor in office for any of such officers to ask, demand  
or receive any other compensation or reward for their official  
services, to be followed by dismissal or forfeiture of their  
respective offices.

#### THE MAYOR.

SECTION 30. The mayor of each of said cities of the third Qualifications,  
class shall possess the qualifications of a member of select election, powers,  
council, and shall be chosen at the municipal election to serve &c., of mayor of  
for a term of two years, and shall be the chief executive 3d class cities.  
magistrate thereof, and shall be *ex-officio* a justice of the  
peace within the city; it shall be his duty to be vigilant and  
active in causing the laws of this commonwealth, and the  
laws and ordinances of the said city, to be executed and en-  
forced therein, and in order to enable him more effectually  
to preserve the peace and good order of the city, all the pow-  
ers given to sheriffs of this commonwealth to prevent routs,  
riots and tumultuous assemblies are hereby conferred upon  
him; he shall also communicate to councils at the first stated  
meeting in the month of January of each year, and oftener if  
he shall deem expedient, the condition of the city in relation  
to its government, finances and improvements, and shall re-  
commend the adoption of all such measures as the business  
interests of the city may, in his opinion, require, and he  
shall pay all fees received by him into the city treasury  
monthly; the councils shall fix the number of police constab- Appointment, &c.,  
les and watchmen, and the mayor shall nominate, and by and of police constables  
with the advice and consent of the select council appoint the and watchmen.  
said police constables and watchmen, and at his pleasure dis-  
miss all or any of them, and in like manner all vacancies  
shall be filled; the police constables and watchmen shall  
obey the orders of the mayor and make report to him, which  
report shall be laid before the council by him whenever re-  
quired; and he shall exercise a constant supervision and con-  
trol over the conduct of the police constables and watchmen,  
receive and examine all complaints preferred against them  
in the discharge of their duties and report the same to coun-  
cils; and the mayor shall be required to remove from office  
any police constable or watchman by him appointed, upon a  
resolution to that effect being passed by two-thirds of both  
branches of councils.

#### CHIEF OF POLICE.

SECTION 31. The mayor of each of said cities of the Appointment and  
third class, shall nominate, and by and with the advice and powers of chief of  
consent of select council, appoint one person as chief of po- police in 3d class  
lice of said city, who shall be *ex-officio* a constable of the cities.  
city, and shall have all the powers and privileges that are  
possessed by constables, and shall and may without warrant  
and upon view arrest any person guilty of breach of the



peace, vagrancy, riotous conduct or drunkenness, and shall forthwith bring him before the mayor or one of the aldermen of the city, there to be dealt with according to law.

#### ALDERMEN.

Number, powers  
and election of  
aldermen.

SECTION 32. Each of the wards of each of the said cities shall be entitled to elect one alderman, who shall have all the powers and jurisdiction of a justice of the peace, and said alderman shall be elected at the municipal election next proceeding the expiration of the commission of the justice of the peace, resident in the district out of which the said ward shall be created; if two justices of the peace reside therein, then the alderman shall be the successor of the justice of the peace whose commission shall first expire, and no successor shall be elected to the one still in office, but his commission shall be and remain in full force until its expiration.

Of appeals from  
judgments of alder-  
men in 3d class  
cities.

SECTION 33. If any person shall think himself aggrieved by any judgment against him as defendant, by the mayor or any alderman of any of the said cities, of the third class, in any action, prosecution or proceeding for any fines, penalties or forfeitures, imposed or enacted by or under any law or statute of this commonwealth relative to the said city, such person may, if the said judgment shall exceed the sum of five dollars, exclusive of costs, appeal from the said judgment to the court of common pleas of the county, in the manner and subject to the same requirements as is provided by law for appeals from justices of the peace.

Of actions for viola-  
tion of laws and or-  
dinances, and for  
fines and for-  
feitures.

SECTION 34. That all actions, prosecutions, complaints and proceedings for violation of the laws and ordinances of said city, and for fines, penalties and forfeitures imposed or enacted thereby, which shall be brought before the mayor or any alderman or aldermen of the said cities, respectively, shall be instituted in the corporate name of the said city; those which shall be brought for violation of the laws of the commonwealth relating to the said city, or for fines, penalties and forfeitures imposed and enacted thereby, shall be instituted in the name of the commonwealth or as prescribed by the said laws of the commonwealth, and all other actions, prosecutions, complaints and proceedings so brought for fines, penalties or forfeitures imposed or enacted by the law or statutes of this commonwealth, shall be instituted and conducted as provided by law; and all warrants, writs, orders and process in and concerning the said actions, prosecutions, complaints and proceedings, or in and concerning any criminal prosecutions, complaint, case or proceeding, made and issued by the said mayor and aldermen, respectively, shall be made, directed and issued to the chief of police, or to any of the police constables or other constables of the said city, who shall respectively serve, obey and execute the same anywhere within the said city, or in the county of which it is part, or in any of the cities or counties of this state, under the provisions of the acts of assembly of this commonwealth, or the same may be issued and served and executed anywhere

in the said city and county by special constables or other persons as provided by law.

#### CITY TREASURER AND TAXES.

**SECTION 35.** The qualified voters of each of the said cities of the third class shall, on the third Tuesday in February succeeding the issuing of letters patent to said city, and on the third Tuesday in February in every second year thereafter, elect a city treasurer to serve for two years from the Friday next succeeding such election and until his successor shall be duly elected and qualified, and he shall have the same qualifications as are required for the office of select councilman. The returns of said election shall be received and counted by the councils, in convention, on the Friday succeeding the election, and any vacancy in said office of treasurer shall be filled by the city councils in joint convention. He shall give bond to the city, conditioned for the faithful performance of his duties, in such amount as the city councils shall direct, and with such sureties as shall be by them approved, and shall, before he enters upon his office, take and subscribe an oath or affirmation before the mayor, to support the constitution of the United States and of this commonwealth, and honestly to keep an account of all public moneys and property entrusted to his care and to discharge the duties of his office with fidelity; he shall receive an annual salary to be fixed by ordinance, which shall not be increased or diminished during his term of office. No money shall be drawn from the treasury of the city unless the same shall have been previously appropriated by councils to the purpose for which it is drawn. The accounts to be kept by the said treasurer shall exhibit all the receipts and all the expenditures of the city in an intelligible manner, in which the particulars of each item of charge and discharge shall fully and precisely appear; and separate accounts of the highway department and of the receipts and expenditures of the water department and gas department shall be kept. The said treasurer shall keep the public moneys in such place and manner as the city councils shall direct, and shall verify his cash account at least once in every month to the satisfaction of a standing committee of councils and of the city controller, and upon the affidavit of a majority of such body to any default therein, the said treasurer may be suspended from office and another appointed until the further action of councils; and the said treasurer, at the expiration of his term of office, shall deliver all moneys, books and papers in his hands belonging to the said office to his successor in office.

Election of city treasurer in 3rd class cities.

Term of office.

Qualifications.

Returns.

Vacancy.

To give security.

Be sworn.

Salary.

No money to be drawn from treasury unless appropriated.

How accounts to be kept.

Where and how moneys to be kept.

Suspension from office.

To deliver moneys, &c., to successor.

Assessment and collection of taxes.

**SECTION 36.** The annual assessments for all taxes levied in said city shall be completed on or before the first day of June in each and every year, and upon the duplicate having been made as may be directed by the proper authorities, the same shall be placed in possession of the city treasurer who shall receive and collect said taxes, and after the first day of October in each and every year the additional sum of three per centum shall be added to all the taxes then remain-

Statements of unpaid taxes to be given city solicitor.

To be registered in prothonotary's office.

To be liens.

Fees of prothonotary.

To make searches, and furnish transcripts.

(Of recovery on claims for taxes, paving, curbing, &c.

ing unpaid in the duplicates, and after the first day of January in each and every year an additional sum of two per centum shall be added to all the taxes then remaining unpaid in the duplicates; and said city treasurer shall continue to receive and collect taxes until and including the first day of January in each and every year, after which date said duplicates shall be placed in the hands of collectors to be appointed as hereinafter mentioned. After the first day of January in each and every year, the city treasurer shall place correct and detailed statements of taxes, respectively due on real estate, in the possession of the city solicitor, who shall cause the said taxes upon real estate remaining unpaid to be registered in the name of the city, if city taxes, and in the name of the proper school district, if school taxes, and against the person or persons charged in the duplicates with the same, or if any property has been transferred, upon which such tax has been assessed, against the person or persons who may have become the owner or owners of property, in the office of the prothonotary of the proper county, who shall keep a separate book for that purpose, to be called city lien docket, and all taxes so registered shall be and continue to be liens from the date of the levy thereof on the real estate upon which they have been assessed, for the term of five years; the prothonotary shall be allowed and paid for each tax so registered a fee of twenty-five cents, which shall form part of the expenses, and shall be paid by the person from whom the tax is due and owing; he shall also, at all times, on demand made within the hours during which the office shall be opened for the transaction of business, make searches and furnish transcripts or extracts from the registry of taxes aforesaid, for which he shall be allowed the usual fees to be paid by the party applying for the same.

SECTION 37. That recovery may be had on claims for said taxes, gas frontage tax, water frontage tax, gas rates, water rates, sewerage tax, piping, paving, re-paving, curbing or re-curbings sidewalks, grading, macadamizing or paving any public street, lane, alley, or parts thereof, and for assessments for damages and contributions lawfully made for opening thereof, and all other matters that may be the subject of claim, registered in pursuance of this act and the laws and ordinances of each of said cities, in the court of common pleas for the proper county, by action of debt, to recover a general judgment against the debtor or debtors as now provided by law, or proceedings thereon may be had by *scire facias*, as in the case of mechanics' claims; and the claims so registered shall be *prima facie* evidence of the amount thereof and of the same being due and owing, and judgment shall be entered by default thereon, unless the defendant or defendants shall file his, her or their affidavit of the nature of his, her or their defence, as required in cases where the plaintiff has filed his copy of the cause of action in such court, and the judgment and process thereon shall be with like effect as in other cases: *Provided*, That reference being made to the number and term and docket to which such claim or claims are registered, and the amount thereof

in the *præcipe* instituting the suit, it shall not be necessary to file a copy of the same: *And provided further*, That where any real estate subject to such lien shall have been conveyed and deed recorded after the levy of the tax sued for, the then owner shall be included in the process, and if there be several owners or distinct portions of the premises, recovery shall be had under the same writ against their respective shares, according to a just ratable proportion of the tax, cost and expenses of collection, and if any such owner shall be omitted, he, she or they may be brought in by a rule of the court on him, her or them, to show cause why he, she or they shall not be made a party to such suit, and in proof of service thereof, judgment may be entered against his, her or their share by default of appearance or affidavit as aforesaid: *And provided further*, That no such apportionment shall affect the personal liability of the owner at the time of the assessment or register for the whole amount of the tax, interest and costs, including the per centum commission for delay of payment.

SECTION 38. The councils of each of said cities, and the boards of school controllers therein, at the first stated meeting of their respective bodies, in the month of September, annually, shall severally elect tax collectors to collect the city taxes and school taxes, respectively, which remain unpaid upon the first day of January following: *Provided*, Said councils or said school board may, in their discretion, authorize the city treasurer or school treasurer, to appoint such tax collectors; and said collectors shall on delivery of the duplicate or duplicates to him or them, respectively, proceed to collect the amount of such duplicate or duplicates from the persons therein respectively charged, for which purpose he or they shall have all the power and authority now provided by law for the collection of state and county taxes; and if any person shall neglect or refuse to make payment of the amount of tax due by him within twenty days from the time of demand made, it shall be the duty of the officer holding the duplicate wherein such tax shall be charged, to levy such amount by distress and sale of the goods and chattels of such delinquent, giving ten days' public notice of such sale by written or printed advertisements, and in case goods and chattels sufficient to satisfy the same, with the costs, cannot be found, such officer shall be authorized to take such delinquent and convey him to the prison of the proper county, there to remain until the amount of such tax, together with the costs and charges shall be paid, or secured to be paid, or until he shall be otherwise discharged by due course of law; but nothing herein contained shall prohibit the councils or any board having power to levy a tax from exonerating taxes for sufficient cause.

Councils and school boards to elect collectors of unpaid taxes.

*Provided.*

Powers and duties of collectors.

#### CITY CONTROLLER.

SECTION 39. The qualified electors of each of said cities, of the third class, shall on the third Tuesday in February succeeding the issuing of letters patent thereto, and in every

Election of controller in 3d class cities.

Term of office.

To be sworn.

To superintend fiscal concerns of city.

To keep books of accounts.

What to show.

Suggest plans for improvement of finances.

To control fiscal concerns of all departments, bureaus, &c.

To countersign warrants.

Report to councils when appropriation exhausted before object of same completed.

Persons presenting warrants to be countersigned, to produce evidence if required.

May administer oaths.

To audit and settle accounts.

second year thereafter, elect a city controller to serve for the term of two years, from the first Monday of March next succeeding his election; he shall before entering upon his office take and subscribe an oath or affirmation before the mayor faithfully to discharge the duties thereof.

*Clause 1.* The city controller shall superintend the fiscal concerns of the city, and shall manage the same in the manner required by the laws of this state, and the ordinances and resolutions of the city councils.

*Clause 2.* He shall keep a regular set of books in which shall be opened and kept as many accounts under appropriate titles as may be necessary to show distinctly and separately all the estate and property whatsoever, real and personal, vested in the city by law or otherwise, all trusts in the care of the same, all debts due to and owing by the city, all the receipts and expenditures in the various departments of the city, and all appropriations made by the city councils, and the sum expended under the same respectively.

*Clause 3.* He shall from time to time, and as often as he may deem necessary or the city councils shall direct, suggest plans to the councils for the improvement and management of the city finances.

*Clause 4.* He shall have the supervision and control of the fiscal concerns of all departments, bureaus and officers of the city and school district, who shall collect, receive or disburse the public moneys, or who are charged with the management or custody thereof, and may at any time require from any or all of them, an account in writing of any and all moneys or property of the city in their hands or under their control; and he shall immediately upon the discovery of any default, irregularity or delinquency, report the same to the city councils and the board of school controllers.

*Clause 5.* He shall countersign all warrants on the city treasurer, and shall not suffer any appropriation made by the city councils or school board to be overdrawn; every case in which an appropriation shall be exhausted, and the object of which is not completed, he shall immediately report to the city councils, and accompany such report with a statement of the moneys which have been drawn on such appropriation, and the particular purpose for which they were drawn; whenever a warrant on the city shall be presented to him to be countersigned, the person presenting the same shall, if the controller require, produce evidence:

First. That the amount expressed in the warrant is due to the person in whose favor it is drawn.

Second. That the supplies or the services for payment of which the warrant is drawn have been furnished or performed.

Third. He shall have authority to administer oaths or affirmations in verification of demands made for his signature, but shall not be entitled to receive fee therefor.

*Clause 6.* He shall perform all the duties now enjoined on the county auditors by the laws of this state, and shall scrutinize, audit and settle all accounts whatever in which the city is concerned, either as debtor or creditor, where provision

for the settlement thereof is made by law, and where no such provision or an insufficient provision has been made, he shall examine such accounts and report to the city councils, or the school board, the facts relating thereto with his opinion thereon.

*Clause 7.* He shall make a report, verified by oath or affirmation, to the city councils, at their first stated meeting in January in each year, of the public accounts of the city, the school board and of the trusts in their care, exhibiting all the expenditures of the city and of the school board, the sources from which the revenue and funds are derived, and in what manner the same have been disbursed; each account to be accompanied by a statement in detail in separate columns of the several appropriations made by councils, the amount drawn on each appropriation and the balance standing to the debit or credit of such appropriation, and he shall publish said report in two or more newspapers.

Make report to councils annually.

*Clause 8.* He shall be paid a fixed yearly salary to be provided by ordinance, which shall not be increased or diminished during his term of office.

Salary.

#### CITY SOLICITOR.

SECTION 40. The select and common councils of each of said cities of the third class, shall, on the last Saturday of February next succeeding the issuing of letters patent to the said city or its acceptance of this statute, and biennially thereafter, elect one person learned in the law, who shall be styled the city solicitor.

Of the election of solicitor for 3rd class cities.

*Clause 1.* He shall hold his office for two years from the first Monday of March succeeding his election, and until his successor is qualified; he shall keep his office within said city, and therein shall be deposited and preserved all patents, deeds, wills, leases, mortgages and other assurances of title, together with all contracts, bonds, notes, official bonds, books and other evidences of debt belonging to said city, unless the city councils shall provide some other place or otherwise direct, and all other papers which the city councils may direct.

Term of office.

Where office is to be kept, and what to be deposited therein.

*Clause 2.* The law matters of each of said cities shall be under the superintendence, direction and control of the city solicitor; he shall give bond to the corporation with two or more sureties to be approved by the select council, in the sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, as the same are or shall be defined by any act of assembly or ordinance of the city.

Law matters to be under his superintendence.

To give security.

*Clause 3.* He shall prepare all bonds, obligations, contracts, leases, conveyances and assurances which may be required of him by any ordinance of the corporation of the city, to commence and prosecute all and every suit and suits, action and actions brought and to be brought by the corporation, for or on account of any of the estate, rights, trusts, privileges, claims or demands of the same, as well as to defend all actions or suits brought or to be brought against the said corporation or any officer thereof, wherein or whereby any of the estates, rights, privileges, trusts, ordinances or acts of

His duties.

the corporation, or any branch thereof, may be brought in question before any court in this commonwealth, and shall do all and every professional act incident to the office which may be required of him by the mayor of the said city, or by any committee of the select or common councils, or by any ordinance or resolution of the said councils or either of them.

To furnish written opinions.

*Clause 4.* He shall, when required, furnish the said councils or committees thereof, the head of any department and the mayor, with his written opinion on any subject which may be submitted by them or either of them.

To make monthly return to controller of moneys received.

*Clause 5.* He shall at least once in every month, make a return to the city controller under oath or affirmation, of each item of moneys received by or through him or his assistants by virtue of his office, or for any matter connected therewith, and immediately upon making such return, pay the amount in his hands to the city or school treasurer.

And pay same to treasurer.

Lien docket to be kept in his office.  
What to be entered therein.

*Clause 6.* There shall be kept in his office a lien docket, in which in appropriate volumes shall be entered all claims for curbing, paving side-walks, assessments of damages and contributions for opening public streets, lanes and alleys or parts thereof, for paving, grading and macadamizing the same, for water and gas frontage tax, and water and gas rates and sewerage, and all other matters that may be the subject of claim on the part of the city, which have been or shall be returned to the solicitor by the various departments as remaining due and unpaid, after the period prescribed by ordinance for the payment of such claims to the said departments; and it shall be the duty of the head of each department wherein any such claims shall originate, to furnish to the solicitor within the period prescribed by law or ordinance, a statement of all claims for curbing, paving, et cetera, which remain due or unpaid, a certified copy of which the said heads of departments shall at the same time furnish to the controllers, which docket shall at all times be open to the inspection of the public.

Head of each department to furnish him statement of unpaid claims.

Also, certified copy to controller.

Salary.  
Fees.

*Clause 7.* The city solicitor shall receive a fixed annual salary, and all fees received by him in his official capacity shall be paid into the city treasury, monthly, as hereinbefore provided,

#### SCHOOLS AND SCHOOL CONTROLLER.

Each 3d class city to constitute one school district.

**SECTION 41.** Each of said cities, of the third class, shall constitute one school district to be termed the \_\_\_\_\_ school district, and all the property therein shall be the common property of said district; and the members of the board of school controllers for the time being shall have power to levy and collect taxes, and the same rights and powers in relation to real and personal property as is now by law conferred upon the school directors of the several districts of this commonwealth, and they shall govern and manage the public schools in the manner now provided by law for the maintenance of a system of education by common schools; the qualified voters of each ward of each of said cities on the third Tuesday in February next succeeding the issuing of letters patent to said city, elect two members of the board of

Powers of controllers.

How to manage schools.

Election of controllers.

school controllers of said district, one to serve for the period of two years, and one to serve for the period of four years, and every two years thereafter, the qualified voters of each of said wards shall elect one person to serve for the term of four years; and all vacancies which may happen in the said board as hereby constituted, shall be filled in the manner as is now provided by law for vacancies in school boards; the said board of controllers shall annually, on the Tuesday succeeding the municipal election, meet and organize by choosing a president and secretary, who shall be members of the board; and in case of any vacancy in any of said offices by death, resignation or otherwise, such vacancy shall be forthwith filled by said board of control for the remainder of the school year; the secretary to receive such salary as the board may determine: *Provided*, That in all cases where two members of said board are required to be elected to serve for the same term, each of the said qualified voters shall vote for one person as a member of said board of school controllers for said term, and the two persons having the highest number of votes shall be declared to be elected; and when a vacancy or vacancies shall occur in the office of school controller, by death, resignation or in any other manner than by the expiration of the term for which any school controller shall be elected, so that more than two school controllers must be elected at the succeeding municipal election in any ward of said city, the qualified voters of such ward, in addition to the one school controller to be voted for by each elector to serve for four years, shall vote for one person to fill each of such unexpired terms by designating upon the ticket to be voted the number of years for which such school controller is elected, and each elector shall vote for but one person to fill such unexpired term; and if there be two vacancies for the same term, then the two candidates having the highest number of votes shall be declared elected; and if there should be but one vacancy for any unexpired term, then the candidate having the highest number of votes for said term shall be declared elected: *Provided further*, That in said cities of twelve wards or more, each ward shall elect but one controller; those elected from even numbered wards at said first election to serve for two years, and those from odd numbered wards for four years; thereafter, every two years, alternately, they shall elect one each to serve for four years: *Provided further*, That none of the provisions of this act shall be applicable to the election of directors or controllers of the public schools, to the organization of the school board, to the election of school treasurer, or of any other officer of said board, to the receiving and collection of school taxes, in any city of the third class constituting one school district; but the said district shall be governed by laws heretofore enacted, applicable to the same, if the acceptance of this act, required by the fifty-seventh section hereof, shall be accompanied by a certificate from the school district, signed by the proper officers thereof, expressing its desire to retain the laws governing it independent of this statute, otherwise this act shall govern the same: *And pro-*

Vacancies.

Organization of board.

Vacancies in offices of board.

Secretary to receive salary.

Cases where two members are required to be chosen for the same term.

Vacancies for unexpired terms.

Election of controllers in cities of twelve or more wards.

Act not applicable, in certain respects, to a 3d class city constituting one district.

Certificate of desire to retain laws governing it, to be made.



Board may accept  
any provisions of  
act.

*dided further*, That it shall be lawful for such board, in its discretion, by a vote of its members as aforesaid, from time to time, to accept any of the provisions of this act regulating school matters, and after such acceptance, duly recorded on the minutes of said board, said provisions so accepted shall be the law of such district.

Of the school trea-  
surer.

SECTION 42. The city treasurer shall *ex-officio* be school treasurer, and before entering upon the duties of his office, shall give bond to the school directors conditioned for the faithful performance of his duties, in such amount as the board shall direct, and with such sureties as shall by them approved, and shall also before he enters upon his office, take and subscribe an oath or affirmation of like nature as is hereinbefore prescribed for the city treasurer.

Of the assessment  
and collection of  
school taxes.

SECTION 43. That the annual assessments of school taxes shall be completed on or before the first day of June in each and every year, and upon the duplicate or duplicates having been made as directed by the said board of school controllers, the same shall be placed in the possession of the treasurer, who shall collect and receive said taxes in the manner hereinbefore provided for the collection of city taxes; and the said school taxes unpaid after the first day of August, and the first day of October in each and every year, shall have the same additional sum per centum added thereto, as is hereinbefore provided in the case of unpaid city taxes after the first day of October in each and every year; said duplicates shall be placed in the hands of collectors to be appointed as directed in section thirty-eight of this act; the said taxes shall be applied only to the purposes of said school district, and be disbursed only on the warrant of the president and secretary of the board of school controllers, countersigned by the city controller.

How to be applied  
and disbursed.

Of the creation of  
sinking fund for  
extinguishment of  
bonds and debt of  
districts.

SECTION 44. That for the purpose of creating a sinking fund for the gradual extinguishment of the bonds and funded debt of the respective school districts in the cities of this commonwealth, the school controllers of each thereof shall annually (until payment of the bonds and funded debt be fully provided for,) levy and collect a tax of not less than one mill, and not exceeding three mills, upon the assessed value of the taxable property of each of said cities, which shall be paid into the school treasury, and shall be applied towards the extinguishment of said bonds and funded debt in the order of priority of the date of its issue, and to no other purpose whatever: *Provided*, That the whole tax of such school district for any one year, shall not exceed the entire rate now allowed by law for school and building purposes.

Whole tax of a dis-  
trict. limited.

#### WARD AND ELECTION OFFICERS.

Each ward to elect  
one constable and  
one assessor.

SECTION 45. Each ward shall be entitled to elect one constable and one assessor therefor, as fast as vacancies may occur, who shall have all the privileges and powers and be liable to all the penalties now by law vested in or imposed upon such officers; the voters of each election district in said cities shall annually, at the municipal election on the third Tuesday in February, elect the proper officers for holding

Election officers.

the elections therein as provided by law; and in case of any vacancy in any or all the offices of either of said election districts for the first election under the city charter, the court of quarter sessions of the said county shall fill the vacancy.

#### BOARD OF HEALTH.

**SECTION 46.** The city councils of any city of the third class, in which there does not now exist a board of health organized according to law, shall have power to create a board of health as hereinafter provided, and confer upon it any of the following powers:

Councils of 2d class cities may create board of health.

*Clause 1.* The board of health shall be composed of five members and shall be constituted as follows: The mayor of such city, who shall be president *ex-officio*, and four to be appointed by council; the term of office of said members shall be two years, except that those first appointed shall be classified by councils, as follows: Two to serve for two years, and two to serve for one year, so that their terms shall expire in one and two years; the members of said board shall serve without compensation; the mayor shall call the first meeting, and organize the board of health by taking the chair as president.

How to be composed and constituted.

Terms of members.

Organization.

*Clause 2.* A majority of the whole number of members shall be a quorum; they shall have power to appoint a health officer, a clerk, as many ward or district physicians as they may deem necessary for the proper care of the sick, poor and such other persons as are needful, and to define their duties and salaries before their appointment; all such appointees shall serve during the pleasure of the board; all fees received by them in their official capacity shall be paid into the city treasury monthly.

Quorum.

Health officer, clerk, physicians, &c.

All fees to be paid into city treasury monthly.

*Clause 3.* Councils may grant such board power to abate and remove all and every nuisance in such city, and assess the cost and expense of the same upon the property, which assessment, when duly certified by the president of the board to the city controller, shall become a lien, to be collected the same as any other tax in favor of such city, and for compelling the proprietors or owners, agents or assignees, occupants or tenants of the lot of property, house or building upon or in which the same may be, to abate and remove the same; to regulate the construction, arrangement of water closets, privy vaults, also the emptying and cleaning of such vaults; to create a complete and accurate system of registration of marriages, births, deaths and interments occurring in or near such city, for purposes of legal and genealogical investigations, and to furnish facts for statistical, scientific and particularly for sanitary inquiries; when complaint is made or a reasonable belief exists, that an infectious or contagious disease prevails in any locality or house, to visit such locality or house, make all necessary investigations by inspection, and on discovering that such infectious or contagious disease exists, to send the person or persons so diseased to the pest-house or hospital; the council may grant power to make and pass all such orders and regulations, as they shall from time to time deem necessary and proper for the public health and

Of abatement of nuisances, construction of water closets, registration of births, &c.

for the prevention of diseases; said orders and regulations when adopted, shall have all the force and effect of ordinances of such city.

May order removal  
of anything dan-  
gerous to life or  
health.

*Clause 4.* Whenever any building, erection, excavation, premises, business, pursuit, matter or thing, or the sewerage, drainage or ventilation thereof, in the opinion of said board of health, whether in whole or in part, be in a condition or in effect dangerous to life or health, the said board may declare the same to the extent it may specify as a public nuisance or dangerous to life and health, and the said board may order the same to be removed, abated, suspended, altered or otherwise improved or purified, as said order shall specify, and shall cause said order before its execution to be served on the owner, agent, occupant or tenant thereof or some of them: *Provided*, Said parties or any of them are in such city and can be found, and if the party so served shall, before its execution is commenced, apply to said board to have said order or its execution stayed or modified, it shall then be the duty of said board to temporarily suspend or modify said order, and to give to such party or parties together, as the case, in the opinion of the board, may require, a reasonable and fair opportunity to be heard before said board, and to present proofs and facts against said declaration, and the execution of said order, or in favor of its modification; and the board shall enter upon its minutes such facts and proofs as it may receive, and its proceedings on such hearing, and thereafter may rescind, modify or re-affirm its said declaration, and order and require execution of said original or of a new or modified order to be made in such form and effect as it may finally determine.

Of sanitary police.

*Clause 5.* The mayor shall have power, and it shall be his duty, to detail from the regular police force of such city or to make new appointments for the purpose, whenever, in the opinion of the board of health, the public health and sanitary condition of such city may require; such policemen when so detailed, or when appointed, shall be known as the "sanitary police." The number comprising the sanitary police to be determined by the board of health, according to exigencies of the circumstances, and said sanitary police shall be subject to the exclusive direction and control of said board for the enforcement of proper sanitary measures and for the promotion of the public health; whenever, in the opinion of the board of health, the services of the sanitary police are no longer required, the sanitary condition of the city being clearly such as to render their longer continuance on said duty entirely unnecessary, they shall, on recommendation of the board of health, be returned to duty as regular policemen or be dismissed as the mayor may direct; but no permanent increase of the police force shall be made without the consent of councils by ordinance, duly enacted.

Gratuitous vaccina-  
tion.

*Clause 6.* Said board may take measures and supply agents, and afford inducements and facilities for general and gratuitous vaccination and disinfection, and may afford medical relief to and among the poor of such city, as in its opinion the protection of the public health may require; and

during the prevalence of any epidemic disease may provide temporary hospitals for such purposes.

Temporary hospitals.

*Clause 7.* It shall be the duty of said board, on or before the first day of March in each year, to make a report, in writing, to the city council of such city upon the sanitary condition and prospects of such city; and such report shall set forth, generally, the statistics of deaths, the action of said board and of its officers and agents, and the names thereof for the past year, and may contain other useful information, and shall suggest any further legislative action deemed proper for the better protection of life and health.

Board to make report annually.

*Clause 8.* Whoever shall violate any provision of this act or any order of said board of health, made under the authority of the same, or of any law or ordinance therein referred to, or shall obstruct or interfere with any person in the execution of any order of said board, or wilfully and illegally omit to obey any such order, shall be guilty of a misdemeanor, and on conviction shall be subject to fine and imprisonment, or both, at the discretion of the court; such fine shall not exceed one hundred dollars, and such imprisonment shall not exceed ninety days, and all prosecutions and proceedings against any person for a misdemeanor under this act may be had or tried before any judge or tribunal having jurisdiction of any misdemeanors within such city; and any person, corporation or body which may have done or omitted any act or thing which is in this act, or any law or ordinance therein referred to, declared to be or to subject the party guilty thereof to punishment for a misdemeanor, shall, in addition thereto, be subject to a pecuniary liability in the nature of a fine in an amount not to exceed one hundred dollars, as any court of record or any justice of the peace may decide.

Penalties for violating act or orders of board, obstructing execution of orders, &c.

*Clause 9.* Where expenses shall be incurred by the board of health, under the provisions of this act, it shall be the duty of the city council of any city, upon application and certificate from said board of health, to pass the necessary appropriating ordinances to pay the expenses so incurred and certified.

Council to make appropriations to pay expenses.

*Clause 10.* The proceedings of the board shall be public and its journal of proceedings open to the inspection of any tax payer.

Proceedings of board to be public.

#### SEWERAGE.

**SECTION 47.** That the city council of any city, of the third class, may provide by ordinance for the division of said city into sewer districts, and may direct the city engineer to make an estimate of the costs and expenses of constructing any main sewer, or re-constructing the same, and to report to the council what portion of said costs and expenses is required for main sewerage, and what portion of the same is required for local sewerage for any lots and lands to which any portion of such main sewer to be designated by the council shall serve as a local sewer; and it shall be lawful for the city councils to provide for assessing the costs and expenses of such main sewerage upon the lots and lands

Council of 3d class cities may divide same into sewer districts.

Direct engineer to make estimates.

Provide for assessment of costs and expenses.

Five freeholders to  
be appointed to  
make assessment.

Report of assessors.

Proceedings after  
report filed.

Assessments to be  
certified to city  
solicitor, and col-  
lected.

Claims for same to  
be registered, and  
be liens.

within the sewer district where the work is to be done according to the valuation of the same, on the city duplicate, or according to benefits as they shall determine by ordinance in each case, and to provide for assessing the expenses of such local sewerage upon the feet front of lots and lands, by or through which such portion of any main sewer shall pass, or according to the valuation of the same, upon the duplicate aforesaid, or in proportion to benefits upon lots and lands benefited by the local sewerage aforesaid, as they shall determine by ordinance in each case; and if they determine to make an assessment for main or local sewerage or both, according to the benefits, they shall appoint five disinterested freeholders who, or a majority of them, shall assess the estimated expenses of such main sewerage on all the lots and lands in the sewer district wherein the sewer is to be constructed or re-constructed, in proportion to benefits, and the estimated expenses of such local sewerage on such lots and land as will in their opinion be benefited thereby, whether fronting on the public ground in which the sewer is to be constructed or re-constructed or not, in proportion as nearly as may be to the benefits which may result to each lot or parcel of land. Said assessors or a majority of them shall within thirty days after their appointment make report in writing specifying the amounts assessed by them upon each lot or parcel of land for main or local sewerage separately, and file the same with the city clerk within such time as the council shall direct; after the report is filed, the council shall cause not less than ten days' notice to be given in two newspapers of the city of the object of such assessments, and that the same will come before the council for confirmation at a time to be specified in such notice. Objections to the assessments shall be in writing and filed with the city clerk, and objections may be heard before the city council at the time specified in the notice; the council may set aside such assessments or they may, after hearing objections, confirm the same. If the council set the first or any other assessment aside, they may appoint other assessors of the same qualifications as hereinbefore provided, cause new assessments to be made, and the proceedings shall be the same as is provided for in the first assessment; but not more than two views or assessments shall be made in any one year. After making any assessment for main or local sewerage according to valuation or for local sewerage according to feet front, or after the confirmation of any assessment for main or local sewerage made according to benefits, the council may order such percentage of the assessment for main sewerage, as may be necessary to pay the estimated costs and expenses of main sewerage for such portion of any main sewer as the council shall have determined to construct or re-construct, together with the total assessment for local sewerage for such portion of any main sewer, or the assessments aforesaid by valuation or feet front, to be certified to the city solicitor and collected as other taxes are collected; and such assessments shall be called sewerage tax, and claims for same shall be registered in city lien docket as unpaid

school and city taxes on real estate; are by this act directed to be registered; and the same shall be, from the time of such assessment, liens on such lots and lands in the hands or possession of the owner or owners thereof, their heirs and assigns, the same as other city taxes, and subject to the same penalties if delinquent; and it shall be lawful for the city councils to cause said assessments to be collected before the work is contracted for.

May be collected before work contracted for.

SECTION 48. It shall be lawful for the city council of any such city, to provide by ordinance for the construction in any street or public highway within such city, of the proper house connections, branches leading in all main or branch sewers, and also water pipes and gas pipes in such streets or highways, and to assess the cost and expenses thereof upon the lots or parcels of land for the accommodation of which such connections, branches and pipes may be constructed: *Provided*, That in no case except in a sanitary measure, of which councils shall judge, shall such city council require said house connection to be built further from such sewer than to the inner line of the curb-stone of such street or highway.

Of the construction of house connections, branch sewers, &c.

SECTION 49. When any of the improvements above provided for shall have been made, the city council shall pass an ordinance assessing the cost thereof upon the lots or parcels of ground, for the accommodation of which such improvements were made, and said ordinance shall declare the time within which said assessments shall be paid into the city treasury, or to the person or persons entitled to receive the same under any contract with the city as the case may be; and if the amount so assessed be not paid within such time, interest at the rate of six per cent. may be demanded and collected; said assessment shall be binding on the owner or owners of such lots or parcels of land personally, and shall also be a lien upon such lots or parcels of land, or against any owner or owners, or any person or persons claiming any interest whatever therein, and the amount thus assessed, together with the interest and a penalty of five per centum, may be recovered by suit before a justice of the peace, or other court of competent jurisdiction, against such owner or owners, in the name of such city, or in the name of any person or persons who shall, under any contract with said city, be entitled to demand the same; and such lien may be enforced by proceedings in any court of the county having jurisdiction in similar cases, and any of said courts shall have and take jurisdiction of any such proceedings or actions and proceed as in other cases.

Of the assessment and collection of costs of aforesaid improvements.

#### WATER DEPARTMENT.

SECTION 50. The city councils of any city of the third class, in addition to the powers hereinbefore conferred for the purposes of gas and water supply, and in order to effect the same more fully, shall have the right, and they are hereby empowered and authorized to purchase for such price or prices as they may agree upon, all the real, personal and mixed estate, rights, privileges and franchises of any water or gas company

Councils of 3d class cities may purchase property and franchises of water and gas companies.

Right to occupy  
streams and lands.

or companies, in such city, or convenient thereto, already in existence and operation, and to receive a deed or deeds of conveyance of the same to the city; and thereafter the said city and the councils thereof, shall possess and exercise all the rights, privileges and franchises by law belonging, or to such company or companies pertaining, not inconsistent with the laws of the land; and also to take, occupy and enjoy any stream or streams, spring or springs of water in, near or accessible to any of said cities, that they may deem necessary to carry out the objects and purposes of this act, or any lands to which such stream or streams, spring or springs may be appurtenant, and all such lands, tenements, hereditaments, property, franchises, estate, real and personal, and materials, as shall be necessary to them in the erection, construction, maintenance and repairing of water and gas works or either, and for the supplying of any of said cities with gas or water, with full power to hold the same for the purposes above mentioned; and also by themselves, their agents, artisans, engineers and workmen, with their tools, instruments, carts, wagons and other carriages and beasts of burden or draft, from time to time, and at all times hereafter, to enter into and upon such lands or enclosures, streets, lanes, alleys, roads or highways as they may deem necessary to hold, occupy and use for the purpose of procuring materials, and for the purposes aforesaid, avoiding unnecessary injury or obstruction to said streets, lanes, alleys, roads or highways, and doing as little damage as possible to property, and making compensation to the owner or owners of all species of property taken, used or appropriated by them for the purposes of this act as herein provided for.

Enter upon lands  
to procure materials.

Any city erecting  
or purchasing  
works, to constitute a department.

*Clause 1.* Any city erecting or purchasing water or gas works under the provisions of this act, shall and they are hereby required to constitute a department to be called the water and gas department; and for the better government and management of the same, said city shall, in its corporate capacity, and is hereby authorized and empowered to divide such city into four districts for the election of commissioners, which districts shall be numbered one, two, three and four, one commissioner to be chosen from each district of which such commissioner shall be a resident at the time of his election.

To divide city into  
four districts for  
election of commissioners.

Of the election of  
commissioners.

*Clause 2.* That the councils of such city shall meet in joint convention, and elect one person from each district in which the same is divided as aforesaid, and being a citizen of said city, but not a member of said councils, nor a person holding any city office whatsoever, and the persons so elected shall be styled commissioners of water and gas; each member of councils at said first election shall vote for two commissioners, and the four persons having the highest number of votes shall be declared elected; one of said commissioners so elected being one of the two highest in the number of votes cast, and one of said commissioners being so elected being one of the two lowest in the number of votes cast, shall hold office for the period of four years or until their successors are appointed, to be computed from the sec-

and Wednesday succeeding the city election held nearest to the time of such election for commissioners, whether before or after the same, and the other two so elected shall hold office for the period of two years or until their successors shall be appointed, to be computed from such second Wednesday. The choice between the highest and the two lowest at the first election for the term of office held as aforesaid, shall be determined by lot, and thereafter every two years there shall be elected in joint convention of councils, on the second Wednesday succeeding the city election, two commissioners of water and gas, qualified as aforesaid, each member of councils to vote for only one commissioner who shall not be a member of councils, and the two persons receiving the highest number of votes shall be declared duly elected for the period of four years, or until their successors are appointed, from the date of their election; and no compensation shall be received by said board for their services.

*Clause 3.* Whenever a vacancy shall occur in said board of commissioners, by death, resignation, removal from office, or removal from the district for which he was elected, or otherwise, such vacancy shall be filled by the remaining members of the board of commissioners, and the person so chosen by them to fill said vacancy, shall serve for the unexpired term of the commissioner whose place is vacated in the manner following, to wit: If the office vacated has been filled by a commissioner, who at the time of his election had the highest or next to the highest number of votes in the joint convention of councils, then his colleague in said board, who was elected at the same time with him, by the same vote or higher or next highest vote to him, shall fill the vacancy by nominating to his colleague a person qualified as aforesaid, residing in the district vacated, and if said person shall be approved by his two colleagues, such person shall be declared duly elected for the unexpired term; if the office vacated has been filled by a commissioner, who at the time of his election was one of those having had the lowest number of votes in joint convention of councils, then his colleague in said board, who was elected at the same time with him, by the same vote or next vote to him above or below, shall nominate a person qualified as aforesaid to his two colleagues, to fill such vacancy, and if said person shall be approved by his two colleagues, he shall be declared duly elected for the unexpired term of said office; in case two or more vacancies should occur, either among those elected by council in joint convention, or those elected by the board to fill vacancies, such vacancies shall be filled by the remaining members of the board of commissioners, on the principle that when filled the board shall fairly and equally represent both the majority and minority vote of the joint convention which originally elected them; and no member of the board of commissioners shall at any time during the term of office for which he has been elected, either by the joint convention of councils or by the board of commissioners, be subject to removal from office, except by indictment for misdemeanor in office; and said

Vacancies in board of commissioners.

Removal of commissioners.



To be sworn.

commissioners shall be duly sworn or affirmed, on entering upon the duties of their office, to execute the same with fidelity.

Duties and powers of commissioners.

*Clause 4.* It shall be the duty of the said commissioners to take charge of the water and gas department of such city, and by their sole authority to employ and dismiss at pleasure, a superintendent and clerks, who shall be secretary of the board, whose compensation shall be fixed by the select and common councils in accordance with law, and to employ such laborers, mechanics and workmen as they may deem necessary for the economical administration of said department; to purchase such materials as may be required for keeping said water and gas works in good repair, but not for the construction of new works without the consent and direction of the councils. They shall have charge and control of all extensions of the water and gas into districts of the city, now supplied or to be supplied, and of all construction and re-construction of the water and gas works, enlargements, reservoirs, apparatus, placing and re-placing of pipes, mains, conduits and enlargements of reservoirs and excavations of new reservoirs, conducting new springs and streams of water into the reservoirs, and of all and everything appertaining to the good management of the water and gas works as they may be made by the city councils, and to do and perform such other duties as may be imposed upon them by councils, relating to the management of said water and gas department in accordance with law.

To make and submit estimates of cost of work.

*Clause 5.* And the said commissioners shall, whenever called upon by councils, make and submit to them full estimates of the costs, charges and expenses of any new work, enlargement, extension of water and gas supply, or alteration which councils may contemplate making, relative to said works; and said board may at any time submit to councils, at a stated meeting, any suggestions and estimates they may see proper to make, touching the improvements, extension of water or gas supply or enlargement of said works; but no new works of construction, re-construction, extension, supply of water or gas, or enlargement of said works, shall be undertaken by said commissioners, without the consent of councils being first had and obtained.

No new works to be undertaken without consent of councils.

Duties of commissioners and clerk when extension of water or gas supply is made.

*Clause 6.* Whenever an extension of a supply of water or gas to portions of the city not supplied shall be made by the commissioners, the said commissioners shall make out a full statement of the number of feet of main pipes laid or extended throughout any of the streets of the city in which main pipes were not laid before the said extension, and shall file the same in the department; and it shall be the duty of the clerk of said department, forthwith, on receipt of said statement, to make out a list of all the owners of houses, lots and buildings on each side of the said streets, through which said water or gas pipes are extended, and to charge said owners thereof, and each of them, for each and every house, lot or building so situated in said streets, at such rates per foot as city councils may by ordinance fix, of said

mains extending along the front of their respective houses, lots and buildings.

*Clause 7.* Said charge shall be called the frontage water or gas tax, as the case may be, and shall be collected as city taxes are directed by this act to be collected, shall be subject to the same additional per centum for non-payment; and if not paid within the time hereinbefore limited for the collection of city taxes on real estate, the same shall be registered in the proper office by the city solicitor, in the city lien docket, in the name of the city, against the person or persons charged with the same, or if any property has been transferred after being made chargeable with such frontage tax, against the owner or owners thereof, in the manner provided by this act for the registering of unpaid city and school taxes on real estate, with like force and effect as to lien against such property, subject to the like charges and fees for registration, search and transcript by the prothonotary, and subject in all respects to like mode of procedure and remedy for recovery of the same.

Of the collection and registration of frontage water or gas tax.

*Clause 8.* Whenever the said board of commissioners shall be equally divided in the determination of any question which may arise in their board, touching the management of the said works, the casting vote shall be given by the mayor of the city.

When mayor to have casting vote on questions before commissioners.

*Clause 9.* The said commissioners shall have the power, by and with the approval of councils, to fix the water and gas rates and the quantity to be used; and for that purpose, they shall, on the first Monday of March in each and every year, establish the rates of the current year, which rates shall be submitted by them to councils for their approval, and when approved, such rates shall not be changed for and during the year, but if not approved, then the existing rates shall continue until modified by the commissioners, with the approval of councils.

Of water and gas rates.

*Clause 10.* The city councils shall have power to increase, enlarge and re-construct any water or gas works they may purchase, and construct new works, furnish new supplies of water for the reservoirs, and to do all and everything that may be necessary for keeping the city, at all times, well supplied with good and wholesome water and pure illuminating gas.

Councils empowered to enlarge works, construct new works, &c.

*Clause 11.* The said commissioners shall annually, on the second Saturday of January in each and every year, report to the city councils a full statement of all the repairs, alterations, re-constructions, new constructions, expenditures and everything relating to the management and cost to the city of maintaining the said works; and the treasurer of the city shall keep his accounts in such a manner as to show in his monthly report distinctly and separately, the entire amounts of revenue realized during said month from the water and gas departments of said city, respectively.

Commissioners to make report annually.

*Clause 12.* The said city councils shall pass such rules, regulations, and ordinances, from time to time, as may be necessary for carrying out the provisions of this act: *Provided*, The same shall not be inconsistent with the constitu-

How city treasurer to keep accounts.

Councils to pass ordinances to carry out act.

impose penalties  
for violation of  
same.

Limitation of  
penalty for any one  
offence.

Of the collection of  
water and gas rates,  
and the registering  
of claims therefor.

How expenses of  
laying water and  
gas pipes to be paid.

Allowances for  
corner lots.

Not to apply to lots  
on which there is  
water supply from  
spring or well.

How revenues from  
water and gas de-  
partments to be  
applied.

tion or laws of this commonwealth or this act; and they may impose fines and penalties for all violations of the laws, ordinances, rules and regulations so established, recoverable as other fines and penalties are now imposed and recovered under the provisions of this act: *Provided*, That no penalty for any one offence committed against such laws, ordinances, rules and regulations, shall exceed the sum of one hundred dollars.

*Clause 13.* The city councils shall provide by ordinance for the collection by the city treasurer of all the water and gas rates that may accrue, from time to time, to the said city, for the use of the water and gas, fixing the time when such rates shall be paid, and the penalties for non-payment thereof; and such rates shall be charged to the respective owners of the real estate on which such water or gas is used, or their heirs or assigns, and if the same shall not be paid for in accordance with the provisions of said ordinance, claims for same shall be registered in the city lien docket in the same manner as is hereinbefore provided in the case of unpaid city and school taxes on real estate, with like force and effect as to lien against such property, subject to like charges and fees for registration, search and transcript by prothonotary, and subject in all respects to like mode of procedure and remedy for recovery of the same against said property, or any part thereof, and the owner or owners thereof and their assigns.

*Clause 14.* That whenever any pipes or conveyance of water or gas shall be laid in any of the streets or highways within such city, the owners of the ground in front whereof the same shall be laid, shall pay for the expenses thereof such sum for each foot of the front of their ground upon such street as city councils by ordinance may ordain: *Provided*, That in all corner lots an allowance shall be made of one-third the length of their front, but such allowance shall be always and only on the street or highway having the longest front, and in case both fronts are of equal dimensions, the allowance shall be made in the street in which the pipe shall be last laid, but in no case shall the allowance exceed sixty feet on any corner lot, and provided always that when a corner lot shall have erected upon it two or more separate tenements, there shall only be an allowance made equal to one-third of the depth of the corner tenement and the yard adjoining: *And provided further*, That the provisions of this clause shall not apply to any lot or piece of ground in such city upon which there may be a supply of water obtained from a spring or well; but if at any time two owners of such lots or pieces of ground shall desire to obtain a supply of water from the works of such city, then and in that case, the provisions of this section shall first be fully complied with and performed.

*SECTION 51.* The revenues derived from the department of water and gas, shall be applied only to the purposes of said departments respectively, and the surplus if any, to the reduction of the debt or debts contracted by the city for each of said departments.

**SECTION 52.** That whenever it shall become necessary in the progress of the building improvements of any of said cities to grade, curb, bridge, culvert or pave any of the highways used as turnpikes or plank roads, it shall be lawful for councils to agree for the relinquishment of such parts thereof as may be so required from time to time, and if the parties cannot agree, to obtain a jury of view upon such parts to assess the damage the company owning the franchises may sustain by the city using the same for said purposes; such jury to be appointed by the court of quarter sessions of the proper county, six in number; said viewers shall take into consideration whether such turnpike or plank road company shall have occupied a previous public highway or ground purchased by the company.

Of compensation for use of turnpikes and plank roads by cities.

**SECTION 53.** That in all cases in which, under the provisions of this act, either in the opening or widening of streets, or in the erection of water works, gas works or public buildings, or for any other purpose whatsoever, lands, property, materials or franchises are required to be taken by any of said cities of the third class for public purposes, and the said city cannot agree with the owner or owners thereof, for the compensation proper for the damage done, or likely to be done to or sustained by any such owner or owners of such land or materials which said city may enter upon, use or take away in pursuance of the authority herein given, or by reason of the absence or legal incapacity of any such owner or owners, no such compensation can be agreed upon, the court of common pleas of the proper county on application thereto by petition, either by said city or owner or owners, or any one in behalf of either, shall appoint seven discreet and disinterested freeholders of the proper county, neither of whom shall be residents or owners of property within said city, and appoint a time not less than twenty nor more than thirty days thereafter for said viewers to meet at or upon the premises, where the damages are alleged to be sustained or the property taken, of which time and place ten days' notice shall be given by the petitioner to the said viewers and the other party; and the said viewers or any five of them, having been first duly sworn or affirmed, faithfully, justly and impartially to decide and true report to make concerning all matters and things to be submitted to them, and in relation to which they are authorized to inquire in pursuance of the provisions of this act, and having viewed the premises or examined and considered the property, materials or franchises, they shall estimate and determine the quantity, quality and value of said lands so taken or occupied, or to be taken or occupied, or the property, franchises and materials so used or taken away, as the case may be, and having a due regard to and making just allowance for the advantages which may have resulted, or which may seem likely to result, to the owner or owners of said land or property, franchises and materials in consequence of the making the improvements, or opening of said streets or widening the same, and if the construction of public works or improvements for which the property, franchises or materials is to be taken; and after having made

How damages for opening streets, erecting water works, &c., to be assessed.

Viewers to be appointed.

Their duties.

Judgment to be entered on award of damages.

And execution to issue.

Fees of viewers.

City may tender security for damages to be incurred.

Proceedings on refusal to accept security tendered.

When viewers may be appointed.

Proceedings on appeals.

a fair and just comparison of said advantages and disadvantages, they shall estimate and determine their value, and whether any, and if any, what amount of damages has been or may be sustained and to whom payable, and make report thereof to the said court; and if any damages be awarded, and the report be confirmed by the said court, judgment shall be entered thereon; and if the amount thereof be not paid within thirty days after the entry of such judgment, execution may then issue thereon as in other cases of debt for the sum so awarded, and the costs and expenses incurred shall be defrayed by the said city; and each of the said viewers shall be entitled to one dollar and fifty cents per day for every day necessarily employed in the performance of the duties herein prescribed, to be paid by such city.

SECTION 54. In all cases where the parties cannot agree upon the amount of damages claimed, or by reason of the absence or legal incapacity of such owner or owners, no such agreement can be made either for lands, water, water rights, spring or springs, stream or streams, franchises, materials or other property, the city shall tender a bond with at least two sufficient sureties to the party claiming or entitled to any damages, or to the attorney or agent of any person absent, or the agent or other officer of a corporation, or to the guardian or committee of any one under legal incapacity, the condition of which shall be that the said city will pay, or cause to be paid, such amount of damages as the party shall be entitled to receive after the same shall have been agreed upon by the parties or assessed in the manner provided for by this act: *Provided*, That in case the party or parties claiming damages refuse or do not accept the bond as tendered, the said city shall then give the party, his or their agent, attorney or other officer, a written notice of the time when the same will be presented for filing in court; and thereafter the said city may present said bond to the court of common pleas of the county where the lands, property, franchises, water or materials are situated, and if approved the bond shall be filed in said court for the benefit of those interested; and recovery may be had thereon for the amount of damages assessed, if the same be not paid or can not be made by execution on the judgment in the issue formed to try the question.

SECTION 55. The viewers provided for in the foregoing sections of this act, may be appointed before or after the entry, taking or appropriation of any property, materials or franchises, for constructing said improvements or taking materials therefor; and upon the report of said viewers or any four of them being filed in said court, either party within thirty days thereafter may file his, her or their appeal from said report to said court; after such appeal, either party may put the cause at issue in the form directed by said court, and the same shall then be tried by said court and a jury, and after final judgment either party may have a writ of error thereto from the supreme court in the manner prescribed in other cases; the said court shall have power to order what notices shall be given connected with any part

of the proceedings, and may make all such orders connected with the same as may be deemed requisite; if any exceptions be filed with any appeal to the proceedings, they shall be speedily disposed of, and if allowed a new view shall be ordered, and if disallowed the appeal shall proceed as before provided.

SECTION 56. Any city of the third class accepting the provisions of this act, that shall have already adopted a topographical survey under authority of existing laws, shall have the right to preserve and continue the same with like effect as though they had not accepted the provisions hereof.

A 3d class city accepting act, may continue topographical survey adopted by it.

SECTION 57. Any city of the third class, or any city of less population than ten thousand inhabitants, heretofore incorporated, may become subject to the provisions of this act, governing such cities of the third class to be hereinafter incorporated; and the mayor and councils of such city may effect the same by an ordinance thereof, duly passed by a majority of the members elected to each branch thereof voting in favor of the same; and a certified copy of such ordinance, approved by the mayor and duly certified, accompanied by a statement of the vote thereon, with the names of the members voting for and against said ordinance, shall be forwarded to and filed in the office of the secretary of this commonwealth,

How a 3d class city, or one with less population, may become subject to act.

Ordinance to be passed.

Certified copy and statement, to be filed with secretary of commonwealth.

and when so filed the governor shall, under the great seal of the commonwealth, certify the surrender of the former charter and the acceptance of the provisions of this act by such city, which certificate shall be recorded among the minutes of councils, and in the office for the recording of deeds in the proper county; and from the date of such certificate the said city shall be governed, controlled and regulated by and under the provisions of the act, but all of the property and estates whatsoever of the said city shall be and remain severally and respectively vested in the said city, unchanged and as before the said surrender, and all of the elected officers therein shall hold their respective offices until the expiration of the term for which they were respectively elected, and shall have all of the rights and powers which belong by law to them respectively, under the laws in existence at the date of the surrender as aforesaid; no such acceptance shall be construed to be a repeal or surrender of any rights, powers, privileges and franchises heretofore by law conferred on such city, not inconsistent with the provisions of this act; the mayor and councils, school directors or controllers and other officers of such city, shall continue to hold their respective offices until the Friday succeeding the third Tuesday of February next following the date of the expiration of their office, as fixed by law before the said surrender of the former charter; but in any case in which a mayor, councils, school directors, controller or other officer shall have been elected, and not is or are yet in office, they shall hold their said office for the term for which they shall have been respectively been elected, and their successors shall be elected under the provisions of this act, on the said last named third Tuesday in February; all suits, prosecutions, debts, taxes and claims

Governor to certify surrender of charter and acceptance of act.

Certificate to be recorded.

whatever belonging to the said city, shall be and remain of

Expiration of terms of office of mayor and other officers.

Suits, &c., by and against city.

full force, and shall be sued for, recorded or collected under the provisions of law governing the said city, prior to the surrender aforesaid, and all proceedings therefor commenced before such surrender, shall be proceeded in as though no change had been made; and all claims and demands of whatever nature against said city, existing prior to the said surrender, shall remain of full force and be collected as though no change had been made in the laws regulating and governing such city.

Councils in 3d class cities, or ones with less population, becoming subject to act.

SECTION 58. Any city of the third class, or of any less population, heretofore incorporated and becoming subject to the provisions of this act, in which but a single branch of councils now exist, may treat such existing branch as the common council thereof, and may elect a select council as provided in this act, at an election to be held on a day fixed by such council, after at least thirty days' notice thereof given in all the newspapers in said city; and when so elected, the said council shall organize under the provisions of this act, and be governed and controlled thereby; also in any of said cities in which there may be more than one school district, the several directors shall meet jointly and perform all duties pertaining to the consolidated district until the next municipal election but no longer, at which time a new board of control shall be elected as herein provided: *Provided*, That in case of indebtedness in either of said districts, the same shall be liquidated by separate tax levy in the district indebted.

Where more than one school district, directors to meet jointly and perform duties until election.

How indebtedness of districts to be liquidated.

How indebtedness of such cities may be increased beyond seven per cent. on valuation.

SECTION 59. Any city of the third class, or any city heretofore incorporated having a population less than ten thousand, and accepting the provisions of this act, the debt whereof now exceeds seven per centum of the assessed valuation of the taxable property therein, may by ordinance or ordinances, duly passed, increase its indebtedness to an amount not exceeding three per centum of such assessed valuation and no more: *Provided*, That such increase shall only be made in the manner and after the notice and in accordance with every requirement made necessary for the increase of the indebtedness of a city of the first class, under the provisions of the eleventh section of this act: *And provided further*, That this act shall not be construed as repealing any law authorizing the proper authorities of any city included in the third class, to issue bonds and fund their indebtedness.

APPROVED—The 23d day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 153.

## AN ACT

Authorizing the formation of partnership associations, in which the capital subscribed shall alone be responsible for the debts of the association, except under certain circumstances.

SECTION 1. *Be it enacted, &c.,* That when any three or more persons may desire to form a partnership association, for the purpose of conducting any lawful business or occupation within the United States or elsewhere, whose principal office or place of business shall be established and maintained within this state, by subscribing and contributing capital thereto, which capital shall alone be liable for the debts of such association, it shall and may be lawful for such persons to sign and acknowledge, before some officer competent to take the acknowledgment of deeds, a statement, in writing, in which shall be set forth the full names of such persons, and the amount of capital of said association subscribed for by each; the total amount of capital, and when and how to be paid; the character of the business to be conducted and the location of the same; the name of the association, with the word "limited" added thereto as part of the same; the contemplated duration of said association, which shall not in any case exceed twenty years, and the names of the officers of said association, selected in conformity with the provisions of this act; and any amendment of said statement shall be made only in like manner, which said statement and amendments shall be recorded in the office of the recorder of deeds of the proper county.

SECTION 2. The members of any such partnership association shall not be liable under any judgment, decree or order which shall be obtained against such association, or for any debt or engagement of such company, further or otherwise than is hereinafter provided; that is to say, if any execution, sequestration or other process in the nature of execution, either at law or in equity, shall have been issued against the property or effects of the company, and if there cannot be found sufficient thereof, whereon to levy or enforce such execution, sequestration or other process, then such execution, sequestration or other process may be issued against any of the members to the extent of the portions of their subscriptions, respectively, in the capital of the association not then paid up: *Provided always,* That no such execution shall issue against any member, except upon an order of court or of a judge of the court in which the action, suit or other proceeding shall have been brought or instituted; and the said court or judge may compel the production of the books of the association, showing the names of the members thereof and the amount of capital remaining to be paid upon their respective subscriptions, and from them or other sources of information, ascertain the truth in regard thereto, and may order execution to issue accordingly; and the said association shall be and it is hereby required to keep a sub-

Formation of limited partnership associations, authorized.

Statement to be signed and acknowledged.

What to be set forth therein.

Duration not to exceed twenty years.

Amendments.

Statement and amendments to be recorded.

Liability of members of association.



Subscription list book, to be kept.

"Limited" to be the last word in name of association.

Name to be placed on office.

To be mentioned in all notices, advertisements, checks, &c.

Omission of word "limited" to render individually liable.

Of the transfer and change of ownership of interests.

Meetings of members.

Election of managers.

Officers.

Debts and liabilities, how contracted or incurred, &c.

Dividends.

scription list book for that purpose, and the same shall be open to inspection by the creditors and members of the association at all reasonable times.

SECTION 3. The word "limited" shall be the last word of the name of every partnership association, formed under the provisions of this act; and every such association shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the association is carried on, in a conspicuous position, in letters easily legible, and shall have its full name mentioned in legible characters in all notices, advertisements and other official publications of such association, and in all bills of exchange, promissory notes, checks, orders for money, bills of lading, invoices, receipts, letters and other writings used in the transaction of the business of the partnership association: *Provided*, That the omission of the word "limited" in the use of the name of the partnership association shall render each and every person participant in such omission, or knowingly acquiescing therein, liable for any indebtedness, damage or liability arising therefrom.

SECTION 4. Interests in said association shall be personal estate, and may be transferred under such rules and regulations as the association may prescribe, but no transferee of any interest, or the representatives of any decedent, or of any insolvent, shall be entitled thereafter to any participation in the subsequent business of said association, unless he or she be elected thereto by a vote of a majority of the members in number and value of their interests; and any change of ownership, whether by sale, death, bankruptcy or otherwise, which shall not be followed by election to the association, shall entitle the owner only to his interest in the association at a price and upon terms to be mutually agreed upon, and in default of such agreement the price and terms shall be fixed by an appraiser appointed by the court of common pleas of the proper county, subject to the approval of said court.

SECTION 5. There shall be at least one meeting of the members of the association in each year, at one of which there shall be elected not less than three nor more than five managers of said association, one of whom shall be the chairman, one the treasurer and one the secretary, or one may be both treasurer and secretary, who shall hold their respective offices for one year and until their successors are duly installed; and no debt shall be contracted or liability incurred for said association except by one or more of the said managers, and no liability for an amount exceeding five hundred dollars except against the person incurring it shall bind the said association, unless reduced to writing and signed by at least two managers.

SECTION 6. The association may, from time to time, divide the profits of its business in such manner and in such an amount as a majority of its managers may determine, which profits so divided shall not at the time diminish or impair the capital of the said association; and any one consenting to a dividend which shall diminish or impair the capital shall be

liable to any person or persons interested or injured thereby to the amount of such diminution or impairment.

SECTION 7. It shall not be lawful for such association to loan its credit, its name or its capital to any member of said association, and for such loan to any other person or association the consent in writing of a majority in number and value of interest shall be requisite.

*Loan of credit,  
name or capital.*

SECTION 8. Such association may be dissolved.

*Of the dissolution  
of the association.*

*First.* Whenever the period fixed for the duration of the association expires.

*Second.* Whenever, by a vote of a majority in number and value of interest, it shall be so determined, and notice of such winding up shall be given by publication in two newspapers published in the proper city or county at least six consecutive times, and immediately upon the commencement of said advertising, said association shall cease to carry on its business, except so far as may be required for the beneficial winding up thereof.

SECTION 9. When any such partnership association shall be dissolved by the voluntary action thereof, its property shall be applied and distributed as follows:

*How property to be  
applied and dis-  
tributed on dis-  
solution by voluntary  
action.*

*First.* To the payment of all debts for wages of labor.

*Second.* To the satisfaction of its other liabilities and indebtedness.

*Third.* After payment thereof, the same shall be distributed to and among the members thereof in proportion to their respective interests, in the following manner:

*Fourth.* Three liquidating trustees shall be elected by the members of the association, who shall have full power and authority to wind up the concern, and distribute the net assets thereof among the members, under the direction of the court of common pleas of the proper county.

*Three trustees to  
be elected to wind  
up affairs.*

SECTION 10. That no amendment, modification or repeal of this act shall affect any thing duly done, right acquired, liability incurred, or penalty, forfeiture or other punishment incurred or to be incurred, in respect of any offence against the provisions of this act before such amendment, modification or repeal comes into operation.

*Amendments, &c.,  
of act, not to be  
retroactive.*

APPROVED—The 2d day of June, A. D. 1874.

J. F. HARTRANFT.

No. 154.

## AN ACT

Making an appropriation for the support of the State School Home for Colored Soldiers' Orphans, at Bridgewater, Bucks county, Pennsylvania.

SECTION 1. *Be it enacted, &c.,* That the sum of twenty-five dollars is hereby appropriated for the support of each child in the State Home for Colored Soldiers' Orphans at Bridgewater, Bucks county, in addition to the amount now allowed by law, for the year ending May thirty-first, Anno Domini one thousand eight hundred and seventy-five.

*Appropriation.*

How paid.

SECTION 2. The amounts appropriated by the provisions of this act shall be paid out of any money in the treasury not otherwise appropriated.

APPROVED—The 5th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 155.

A FURTHER SUPPLEMENT

To the act of ninth of April, Anno Domini one thousand eight hundred and fifty-six, regulating the public printing and binding, and the supplement thereto, approved March twenty-seventh, Anno Domini one thousand eight hundred and seventy-one, amending the same so as to increase the number of bills to be printed for the use of the two houses, and providing for the printing of the reports of the commissioners of insurance and statistics, and of the inspectors of mines.

450 copies of each bill to be printed for the two houses.

SECTION 1. *Be it enacted, &c.*, That the state printer shall print four hundred and fifty copies of each bill for the use of the two houses, instead of two hundred and fifty copies as prescribed by the act to which this is a supplement, approved the ninth day of April, Anno Domini one thousand eight hundred and fifty-six, and the supplement thereto, approved March twenty-seventh, Anno Domini one thousand eight hundred and seventy-one.

Rates for printing bills.

SECTION 2. That so much of the schedule of rates for printing contained in the aforesaid act of March twenty-seventh, one thousand eight hundred and seventy-one, as fixes the rates for printing bills, be so amended as to read as follows: "For each page of legislative bills, in pica type, including composition, press-work, folding and delivery, one dollar and fifty cents," and all acts or parts of acts inconsistent herewith are hereby repealed.

3,000 copies of report of insurance commissioner, to be printed.

SECTION 3. That three thousand copies of the report of the insurance commissioner shall be annually printed by the state printer from the manuscript furnished him, one thousand copies for the use of the legislature and two thousand copies for the use of the commissioner; and said report shall be printed in two separate volumes, the one relating to fire and the other to life insurance companies, or in one volume, as the commissioner may determine.

Report of commissioner of statistics, what number of copies to be printed, &c.

SECTION 4. That the commissioner of statistics is hereby authorized to have five thousand copies of his annual report printed and ready for distribution upon the meeting of the legislature in January, one thousand eight hundred and seventy-five, and to publish therein the fullest reports that can be procured from each county of the late triennial assessments, including the value of all property upon the assessors books, and, so far as the same appears, the value of all real estate exempted from taxation, together with such other matters as may be deemed proper, the reports to be distributed one-half to the house of representatives, one-fourth to the senate and one-fourth to the departments.

SECTION 5. That five thousand copies of the report of inspectors of mines and mining for the year one thousand eight hundred and seventy-three, and annually hereafter, shall be printed and bound in the usual manner for the use of the senate and house of representatives.

5,000 copies of report of Inspector of mines, to be printed.

APPROVED—The 5th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 156.

### AN ACT

To authorize the settlement of certain claims for advertising the new constitution.

SECTION 1. *Be it enacted, &c.,* That the secretary of the commonwealth be and is hereby instructed, authorized and directed to settle and adjust the claims that may be presented for the advertising of the new constitution, in such newspapers as may prove that it was published once a week for four times previous to the election, in good faith, in like manner and subject to such restrictions as is now provided by law for cases of a similar nature.

APPROVED—The 5th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 157.

### AN ACT

To enable railroads, canals or other transportation companies to accept of the terms of the seventeenth article of the constitution, adopted the sixteenth day of December, Anno Domini one thousand eight hundred and seventy-three.

SECTION 1. *Be it enacted, &c.,* That it shall be the duty of the board of directors of any railroad, canal or other transportation company in existence on the first day of January, one thousand eight hundred and seventy-four, desiring to accept of the provisions of the seventeenth article of the constitution of the state, adopted on the sixteenth day of December, one thousand eight hundred and seventy-three, to file in the office of the secretary of the commonwealth a certificate in writing, signed by the president and secretary, and attested by the corporate seal of the company, stating that at a regular or special meeting of said board of directors a resolution, in pursuance of the consent of the stockholders, was adopted, accepting of all the provisions of said article; and all the powers and privileges, and the limitations and restrictions mentioned therein, shall be deemed and taken for all purposes to apply to said corporation; the said certificate shall be recorded in the office of the secretary of the commonwealth, in a suitable book to be by him kept for that purpose.

Duty of directors of companies desiring to accept 17th article of constitution.

To file certificate with secretary of commonwealth.

What to set forth.

To be recorded.

No certificate to be  
made without con-  
sent of stockhol-  
ders.

SECTION 2. No such certificate shall be made by the officers aforesaid, without the consent of the stockholders of the corporation, to be obtained by an election to be held in the same manner as prescribed by law for increasing the capital stock of a corporation.

APPROVED—The 5th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 158.

### AN ACT

Making an appropriation of two thousand dollars toward the improvement of the Susquehanna river, between Shamokin dam and Harrisburg.

SECTION 1. *Be it enacted, &c.*, That there shall be and there is hereby appropriated out of any moneys not otherwise appropriated in the state treasury, the sum of two thousand dollars toward the improvement of the descending navigation of the Susquehanna river, between Shamokin dam and Harrisburg, and the same shall be paid upon the warrant of and expended by A. C. Noyes, James B. Graham and Joseph E. Gillingham, who shall file the vouchers for the expenditure thereof in the auditor general's office, verified in the usual manner.

APPROVED—The 5th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 159.

### AN ACT

To authorize the boards of revision in the cities of this commonwealth to appoint additional assessors.

SECTION 1. *Be it enacted, &c.*, That in all cities of this commonwealth where there are or may hereafter be boards of revision of taxes, with authority to appoint assessors and apportion their districts, such boards of revision shall have authority, from time to time, as the public interests may require, to create additional assessors' district and appoint additional assessors therein.

APPROVED—The 5th day of June, A. D. 1874.

J. F. HARTRANFT.

## No. 160.

## A FURTHER SUPPLEMENT

To an act, entitled "An Act relating to the sale and conveyance of real estate," approved the eighteenth day of April, Anno Domini one thousand eight hundred and fifty-three, authorizing the courts to decree the leasing and combination of lands for mining purposes.

SECTION 1. *Be it enacted, &c.,* That whenever, under the provisions of the aforesaid act of eighteenth of April, one thousand eight hundred and fifty-three, and the several supplements thereto, the courts of this commonwealth or any of them, have power to decree a lease of lands for mining purposes, it shall be further lawful for the said courts to order and decree that such lands may be so combined and consolidated with other adjoining lands, as to form one tract in which the several persons or parties so combining and consolidating shall become seized of undivided interests, proportionate to their several divided interests before such combination and consolidation, and that the rents or royalties to be received under such lease shall be in the like proportions.

APPROVED—The 8th day of June, A. D. 1874.

J. F. HARTRANFT

## No. 161.

## AN ACT

Making the office of mayor a salaried one.

SECTION 1. *Be it enacted, &c.,* That the councils of each city in this commonwealth are empowered from and after the passage of this act, from time to time, to fix by ordinance the salary to be paid out of the city treasury to the mayor of such city: *Provided,* That nothing herein contained shall authorize a change in the salary, fees or emoluments of the mayors now in office, and those elected prior to the passage of this act.

Councils to fix salary of mayor.

SECTION 2. All fees and costs pertaining to the office of mayor in the several cities of this state shall, after this act goes into effect, be paid into the city treasury.

Fees and costs to be paid into city treasury.

APPROVED—The 8th day of June, A. D. 1874.

J. F. HARTRANFT.

## No. 162.

## A SUPPLEMENT

To an act, entitled "An Act to authorize the formation and regulation of railroad corporations."

SECTION 1. *Be it enacted, &c.,* That from and after the passage of this act, articles of association authorized by an act, entitled "An Act to authorize the formation and regulation

When articles of association may be filed and recorded.

of railroad corporations," approved April fourth, Anno Domini one thousand eight hundred and sixty-eight, may be filed and recorded in the office of the secretary of the commonwealth, when five thousand dollars of stock for every mile of railroad proposed to be made is subscribed, and ten per centum paid thereon, in good faith, in cash, to the director named in said articles of association.

Time to complete  
road, extended.

SECTION 2. Section fifth of the act to which this is a supplement is hereby amended, so as to allow each company organized under said act one year to complete their road for each twenty-five miles more than the fifty miles required to be finished within two years, as provided in said section.

Governor to issue  
letters patent.

SECTION 3. On filing of the articles of association provided in this act aforesaid, and the act to which this is a supplement, the governor shall issue his letters patent creating the association aforesaid, a body corporate, with power to use and enjoy all the powers and privileges conferred by the act aforesaid, and the several supplements thereto.

Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 8th day of June, A. D. 1874.

J. F. HARTRANFT.

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No. 163.

AN ACT

Relating to prison inspectors and regulating prisons.

SECTION 1. *Be it enacted, &c.*, That it shall be lawful for the board of prison inspectors of any county in the state, at their discretion, to furnish tobacco to convicts, and the cost of the same shall be allowed as part of the ordinary prison expenses.

APPROVED—The 8th day of June, A. D. 1874.

J. F. HARTRANFT

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No. 164.

AN ACT

To enable mining, manufacturing and trading companies to wind up their affairs after the expiration of their charters.

SECTION 1. *Be it enacted, &c.*, That all corporations for mining, manufacturing or trading purposes, whether created by general or special acts, whose charters may have expired, may bring suits, and maintain and defend suits already brought for the protection and possession of their property, and the collection of debts and obligations owing to or by them, and sell, convey and dispose of their property, and make title therefor, as fully and effectually as if their charters had not expired; and the officers last elected, or the survivors of

them, shall be officers to represent said corporations for such purposes, and if no officers survive, the stockholders may elect officers under their by-laws: *Provided*, That this act shall be construed only so as to enable said corporations to realize and divide their assets, and wind up their affairs, and not to allow them to transact new business.

APPROVED—The 8th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 165.

### A SUPPLEMENT

To an act, entitled "An Act allowing parties in interest to be witnesses," approved the fifteenth day of April, Anno Domini one thousand eight hundred and sixty-nine, providing that no party to any civil proceedings shall be a witness in actions by or against committees of lunatics, except in certain cases.

SECTION 1. *Be it enacted, &c.*, That so much of section one of an act, entitled "An Act allowing parties in interest to be witnesses," approved the fifteenth day of April, Anno Domini one thousand eight hundred and sixty-nine, as provides "that no interest nor policy of law shall exclude a party or person from being a witness in any civil proceeding," shall not apply to actions by or against committees of lunatics, except as to matters occurring after the appointment of said committee.

APPROVED—The 8th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 166.

### AN ACT

For the annexation of boroughs or townships, or parts of townships, to adjacent cities.

SECTION 1. *Be it enacted, &c.*, That any borough or township, or part of a township, may be annexed to any adjacent city, in the following manner, viz: In the case of a borough, the town council may pass an ordinance for such annexation, whenever three-fifths of the taxables of such borough shall present a petition asking therefor; in the case of a township or part of a township, three-fifths of the taxables shall present a petition to the council of said city, asking for such annexation, which said petition, in case a part only of a township desires to be admitted, shall be accompanied by a plot of the same.

How boroughs or townships adjacent to cities, may be annexed thereto.

SECTION 2. Upon the presentation to the councils of such city of a certified copy of the ordinance, in the case of a borough, or of the petition, in the case of a township, or of the petition and plot, in the case of a part of a township, said councils may, by ordinance, annex such borough, township or part of a township.

When annexation to be made.



Appeals from action of city councils.

SECTION 3. That the action of said city councils shall be final and conclusive, unless an appeal therefrom be taken within ten days to the court of quarter sessions of the county ; upon such appeal the clerks of said city councils, and said town council, shall certify to said court all the papers and proceedings in the case, whereupon said court shall examine and inquire, and if the proceedings appear to have been in conformity with law, shall approve the same.

Territory annexed, to be arranged for representation in councils.

SECTION 4. Any borough, township, or part of a township, annexed to any city under this act, shall immediately be arranged by the councils of said city for the purpose of representation in the said councils.

APPROVED—The 8th day of June, A. D. 1874.

J. F. HARTRANFT.

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No. 167.

# AN ACT

Providing a mode by which the title to all estates and interests in lands in the state of Pennsylvania may be vested in the United States when no agreement can be made with the owners of the same for the purchase thereof.

SECTION 1. *Be it enacted, &c.,* That if it shall so happen that the United States cannot agree for the purchase thereof with the owner or owners of any estate or interest in lands proposed to be taken as part of the premises which the United States are or may be authorized to acquire in this commonwealth, for any public use or purpose whatever, it shall be lawful for the court of common pleas of the county in which said lands are situate, on application thereto by petition filed in behalf of the United States, after such notice to the owners of such estates and interests as the court shall direct, to appoint seven discreet and disinterested resident freeholders of the said county, who, having been duly qualified, and having given such public notice and such notice to the owners of the said estates or interests as the court may direct, shall estimate and determine the fair value of all and singular the estates or interests in the lands so proposed to be taken for the use of the United States as aforesaid, and shall designate the several owners thereof as far as the same can by them reasonably ascertained, and shall report the same to the said court, and their award shall be subject to appeal, further proceedings and confirmation ; and upon confirmation of the report and payment of the sums of money so awarded to the parties severally entitled thereto, who shall have executed conveyances to the United States of their respective interests in the lands so taken, or in case of the disability, neglect or refusal of any person or persons interested to make such conveyance, then, upon payment into court of the sums of money awarded such person or persons respectively, the title to the lands and estates or other interests therein thus paid for shall become vested in fee in the United States,

of which the conveyances from the said parties or an exemption of the record of the said court in the premises shall be the proper and sufficient evidence: *Provided*, That where the lands proposed to be taken by the United States as aforesaid are situate within any town or city having more than ten thousand inhabitants, the viewors contemplated by this act shall be residents of such town or city.

APPROVED—The 8th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 168.

### AN ACT

To regulate the extension of borough limits when the territory to be annexed is situate in two or more counties.

**SECTION 1.** *Be it enacted, &c.*, That upon the petition of a majority of the taxable inhabitants of any described territory, situate in two or more counties in this commonwealth, to the courts of quarter sessions of the peace of all the counties in which said described territory may be situate, expressing a desire to have said territory included within the limits of any borough adjacent thereto, it shall be the duty of each of said courts to appoint one commissioner, who, when appointed, shall select a third one who shall be a surveyor, to view the territory sought to be so annexed, and make report of their proceedings to the courts to which the petitions have been presented.

How territory in two or more counties, may be annexed to borough adjacent thereto.

Commissioners to be appointed.

**SECTION 2.** The commissioners aforesaid shall, within sixty days after their appointment and selection, and after being sworn or affirmed, view the territory sought to be annexed; and if they shall agree that it would be wise and proper to grant the prayers of the petitioners, they shall proceed to survey and ascertain the lines of the territory proposed to be annexed, and shall, at the next term of said courts, make reports, and in the said reports shall state particularly that they were all present at the view: *Second*, whether they were severally sworn or affirmed: *Third*, that they deem it wise and proper that the territory described should be annexed, in accordance with the prayers of the petitioners. They shall also annex and return to the courts a plot or draft thereof, stating the course and distances, and the quantity of land therein contained.

Duties of commissioners.

Report.

**SECTION 3.** If the courts shall each approve the report of the commissioners, the whole proceedings shall be entered on record, and then the territory so annexed shall be taken as within the limits of said borough for all intents for borough purposes.

On approval of report, territory to be considered annexed.

**SECTION 4.** If, at the term of the courts to which said reports are made, a petition should be presented by any person or persons interested therein, praying that a rule should be granted any two or more of those signing the original petition, to show cause why said report should not be ap-

Proceedings by persons aggrieved by report.

proved, the court to which such petition is presented, may, in its discretion, grant said rule, making it returnable at no greater distance of time than the following term of the said court; and if, upon the hearing of said rule, the court should be of opinion that it would be unjust to those claiming to be aggrieved to have said territory annexed as aforesaid, then the report of the commissioners shall not be affirmed, and the persons signing the original petition shall pay the costs of the whole proceedings; but in case the rule is discharged, then the costs upon the same shall be paid by those petitioning to have it issued.

Compensation of  
commissioners.

SECTION 5. The commissioners aforesaid shall each receive five dollars per day for each and every day necessarily employed in the discharge of their duties, to be paid out of the funds of the borough to which the territory is annexed, in case they report in favor of granting the prayer of the petitioners and the approval thereof; but in case the report should be against annexation or should not be approved by the courts, then the costs to be paid by the petitioners.

APPROVED—The 8th day of June, A. D. 1874.

J. F. HARTRANFT.

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No. 169.

### AN ACT

To authorize the counties, cities, towns or townships of this state, respectively, to enter into contracts with railroad companies whose roads enter their limits, whereby said companies may re-locate, change or elevate their railroads.

SECTION 1. *Be it enacted, &c.*, That the proper authorities of any county, city, town or township of this state, respectively, be and they are hereby authorized and empowered to enter into contracts with any of the railroad companies, whose roads enter their limits, respectively, whereby the said railroad companies may re-locate, change or elevate their railroads within said limits or either of them, in such manner as in the judgment of such authorities, respectively, may be best adapted to secure the safety of lives and property, and promote the interest of said county, city, town or township; and for that purpose the said authorities shall have power to do all such acts as may be necessary and proper, to effectually carry out such contracts; and any such contracts made by any railroad company or companies as aforesaid with said authorities or either of them, are hereby fully ratified and confirmed: *Provided*, That nothing in this proviso contained shall affect any contract made, or hereafter to be made, with any railroad company, from apportioning the expenses of altering and adjusting the grades of existing railroads and intersecting streets in any city or borough, so as to dispense with grade crossings.

APPROVED—The 9th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 170.

## AN ACT

For further regulation of appeals from assessments of damages to owners of property taken for public use.

SECTION 1. *Be it enacted, &c.*, That in all cases of damages assessed against any municipal or other corporation, or individual or individuals, invested with the privilege of taking private property for public use, for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, whether such assessment shall have been made by viewers or otherwise than upon a trial in court, and an appeal is not provided for or regulated by existing laws, an appeal may be taken by either party to the court of common pleas of the proper county, within thirty days from the ascertainment of the damages, or the filing a report thereof in court, pursuant to any general or special act, and not afterwards.

Appeals from assessment of damages to property taken for public use, authorized.

When to be taken.

SECTION 2. Any appeal taken pursuant to this act, shall be signed by the party or parties taking the same, or by his or their agent or attorney, and shall be accompanied by an affidavit of the party appellant, or of his or their agent or attorney, that the same is not taken for the purpose of delay, but because the affiant firmly believes that injustice has been done.

Requisites of the appeal.

SECTION 3. That any party entitled to an appeal under the eighth section of the sixteenth article of the constitution, or who would be entitled to an appeal in any future case under this act under the same circumstances, shall have the right to take an appeal from any assessment of damages, or re-assessment or ascertainment thereof as aforesaid, made or filed on or after the first day of January of the present year, and before the passage of this act; but such appeal shall be taken within thirty days after the passage of this act, and in conformity with the second section thereof.

Appeal from assessment made on or after January 1, 1874, authorized.

APPROVED—The 13th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 171.

## A SUPPLEMENT

To an act, entitled "An Act to regulate the commission or license fees to be paid by auctioneers," approved the twenty-sixth day of June, Anno Domini one thousand eight hundred and seventy-three.

WHEREAS, The act to which this is a supplement was passed by both branches of the legislature before the first day of May, Anno Domini one thousand eight hundred and seventy-three, providing that from and after the first day of May next, auctioneers shall be rated in the merchandise

brokers, and in lieu of all commissions heretofore directed to be paid by them, shall pay in the same manner as brokers a license tax similar to said brokers, and no other; and providing that no auctioneer's license shall be issued for the city and county of Philadelphia for a less sum than five hundred dollars, and all former laws or parts of laws at variance with said act are thereby repealed:

*And whereas*, Said act was not approved by the governor until after the first day of May next, after the passage of the same, thereby postponing its operations for a year beyond the period intended by the legislature for it to take effect; therefore,

SECTION 1. *Be it enacted, &c.*, That from and after the first day of May, Anno Domini one thousand eight hundred and seventy-three, the proper accounting officers shall adjust and collect the commissions or license fees of auctioneers, in accordance with the provisions of the act to which this is a supplement hereinbefore recited in full, entitled "An Act to regulate the commission or license fees to be paid by auctioneers," approved the twenty-sixth day of June, Anno Domini one thousand eight hundred and seventy-three; *Provided*, That this act shall only apply to counties having a population exceeding one hundred and fifty thousand (150,000) inhabitants.

APPROVED—The 13th day of June, A. D. 1874.

J. F. HARTRANFT.

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No. 172.

### AN ACT

To prevent school directors from assessing or collecting a building tax during the pendency of proceedings in court.

SECTION 1. *Be it enacted, &c.*, That whilst proceedings are pending in any court of this commonwealth for the division of any township or school district, or for the erection of any borough, it shall not be lawful for the school directors of the township or district proposed to be divided or out of which such borough is proposed to be erected, to levy, assess or collect any tax whatever for the purchase of ground or for school building purposes, except where the same shall be necessary to rebuild a school house accidentally injured or destroyed, or to pay a building debt previously incurred.

APPROVED—The 13th day of June, A. D. 1874.

J. F. HARTRANFT.

## No. 173.

## A FURTHER SUPPLEMENT

To an act, entitled "An Act relating to goods, wares and merchandise in store and in transit, and to make receipts and bills of lading therefor negotiable," approved the twenty-fourth day of September, Anno Domini one thousand eight hundred and sixty-six.

SECTION 1. *Be it enacted, &c.*, That whenever any goods, wares or merchandise shall have been or shall hereafter be attached by writ of foreign or other attachment in the hands, possession or custody of any warehouseman, wharfinger or other person who shall have issued for the same any warehouse receipt or voucher, or any bill of lading or other receipt, when in transit by car or vessel, which warehouse receipt voucher, bill of lading or other receipt, shall have been negotiated and transferred by endorsement or delivery, as provided in the act to which this is a supplement, the holder of any such warehouse receipt, voucher, bill of lading or other receipt, to whom the same shall have been transferred or delivered as aforesaid, although not named or summoned in, or served with such writ of attachment, shall nevertheless be deemed and taken to all intents to be a garnishee of the said goods, wares or merchandise attached in the said writ, as if the same were in his hands or possession; and the name of the holder of such warehouse receipt, voucher, bill of lading or other receipt shall, upon application to the court wherefrom such writ has issued, be added to the record of the action as a garnishee of the said goods, wares or merchandise; and thereupon the said court shall, upon the motion of the said garnishee, grant a rule upon the plaintiff in such attachment, to appear before the court at the time and place in such rule named, and there show cause why the attachment of such goods, wares or merchandise should not be dissolved, or the proceeds thereof, if the same shall have been sold by the order of the said court, paid to the holder of such warehouse receipt, voucher, bill of lading or other receipt, upon his giving security as such garnishee, by recognizance and sufficient sureties to be approved by the court, or by one of the judges thereof in vacation, with condition that so much of the said goods, wares or merchandise, or of the proceeds thereof, after the sale of the whole or any part thereof as shall remain after the settlement or payment thereof, of the amount of any lien upon the said goods, wares or merchandise created by the advance of money or credit by the said holder of such warehouse receipt, voucher, bill of lading or other receipt, transferred or delivered as aforesaid, and also of all prior liens for storage, freight and other charges, shall be retained in the hands of the said garnishee, to answer if the plaintiff shall have execution of any judgment of the effects of the defendant in the action attached as aforesaid, or to abide the further order of the said court.

When merchandise attached in hands of bailee, holder of receipt therefor to be garnishee.

Name of such holder to be added to record as garnishee.

Court to grant rule upon plaintiff to show cause, &c.

SECTION 2. That where goods, wares or merchandise shall be taken from the possession of any warehouseman, wharf-

Bailees not liable to owners, where goods taken from their possession by legal process.

inger, carrier or other bailee by writ of attachment, replevin or other legal process, such warehouseman, wharfinger, carrier or other bailee shall not be liable therefor to the owner of such goods, wares or merchandise or to the holder of any receipt, voucher or bill of lading given for the same, saving and reserving however to such owner or holder, all legal remedies for the recovery of the said goods, wares or merchandise from any person unlawfully detaining the same, or for the recovery of damages against any person unlawfully taking the same.

APPROVED—The 13th day of June, A. D. 1874.

J. F. HARTRANFT.

### No. 174.

### AN ACT.

To provide for a right of way across or under the rivers or other streams of this commonwealth for the better and more convenient mining of anthracite coal.

Certain persons may have right of way under streams, for mining anthracite coal.

SECTION 1. *Be it enacted, &c.*, That any person or persons, owners or lessees of anthracite coal, in or underlying lands or both sides of any of the rivers or other streams of this commonwealth, may have the right of way across said rivers, or other streams, or any of them, from their lands on one side to those on the other side, either upon the surface or under the same, for the purpose of mining and removing said coal by such route as shall be deemed or found to be the nearest, most practicable and convenient for making the said way between the said lands, with the right to follow, mine, remove, and dispose of any vein of anthracite coal, or other material, within the bounds of said way, upon paying the owner or owners of the lands passed over or under for the same, as hereinafter provided.

May mine and remove coal, &c., within bounds of way.

How such way may be made.

Width.

Parties desiring such way, to petition court.

What the petition to set forth.

SECTION 2. The said right of way may be made by drift, slope, tunnel or other necessary or proper means, and shall not exceed twelve feet in width.

SECTION 3. That whenever any of the parties before named desire to make and have a right of way across any river or other stream under the surface of the same through lands not belonging to them for the purpose aforesaid, such party may present a petition to the court of common pleas of the proper county, or any law judge thereof in vacation, setting forth that he or they are the owners or lessees of anthracite coal lying and being under lands on both sides of a river or other stream, which he or they desire to connect, for the purpose of mining the same, by a way under the said river or other stream, and that the intervening lands over which such river or other stream flows do not belong to them, but to other parties, and that it is his or their desire to be allowed to construct, and have a right of way under such river or other stream, and praying the court to permit such party to have a right of way as aforesaid, which petition shall set

forth a description of the lands on both sides of the said river or other stream, which the party petitioning desires to connect and communicate with by such way, and the place of beginning and general direction such way is designed to pursue between the said lands, and as near as may be the point of intersection, and be accompanied by a plot showing the relative situation of said lands, and the proposed route for the said way, which petition shall be filed and entered of record in the said court; whereupon the court or the law judge to whom such petition was presented, upon proof that reasonable notice of the presenting of said petition was given to all the parties interested or hereinafter provided, shall appoint five disinterested and judicious men residents of said county, at least two of whom shall be practical mining engineers, who within ten days after their appointment, and after having given at least five days' notice of the time and place of view, shall view and examine said, and the proposed route for a right of way as aforesaid; and they or a majority of them shall within ten days after such view report to said court, if in session, or to the judge who appointed them, if in vacation, whether or not such proposed way can be made with safety and without danger to the mines or property of parties in the vicinity, with a draft of said proposed route; and notice of the filing of such report shall be given to all the parties interested; whereupon the court or the said law judge shall within ten days thereafter, unless sufficient cause be shown to the contrary, confirm said report; said viewers shall further report whether the damages can be speedily ascertained, and if so, shall report an assessment of the same to the said court or to said judge, together with the amount of damage it shall be to the owner of the lands through or under which the said way is desired and designed to be constructed; but if the damage can be determined only as the work progresses, and the damages are actually done, they are to so report to the said court or the said judge, together with the probable amount of damages in the whole that may be done by the construction of the said way; whereupon the parties petitioners desiring the said right of way, shall endeavor to settle with the owners of the lands through which they desire to pass for the damage that may be done; but if such settlement can not be effected, then the party petitioning may, upon filing a bond to the commonwealth for the use of the parties injured, in double the amount of the probable damages reported by said viewers, proceed at once to the construction of the said way; and the said viewers so as aforesaid appointed shall, upon the petition of any of the parties interested, go upon the premises, from time to time, not oftener than once in thirty days, and view and assess the damages done up to the time of such view, which damages shall be at once payable by the said petitioners to the owners of said lands, and shall be paid to the said owners or into court for their use, and if not so paid, may be collected out of the said bond under direction of the court; and the parties constructing said right of way shall be

To be filed and entered of record.

Five viewers to be appointed.

Their duties.

Report.

Provisions relative to damages.



permitted to use and enjoy the same so long as it is used for the purpose for which it was constructed.

Appeal from report of viewers.

SECTION 4. That the report of the said viewers and appraisers relating to damages as aforesaid, shall be filed of record in the said court, and if not appealed from, be liable to be confirmed or rejected by the said court as to right and justice shall appertain; and either of the parties may appeal from said report to the said court, within twenty days after said report has been filed in the prothonotary's office, and not after notice of such filing being given to the parties; five days after such appeal, either party may put the cause at issue, in the form approved of by the court, and the said issue shall be placed first on the trial list of the next regular term of the court, and be then tried and determined by the court and jury; and it shall be the duty of the said viewers and jury, to take into consideration, in assessing the damages, the advantages and disadvantages which may result to the owner or owners of the lands passed through by the said way, when making up their report or forming their verdict thereon.

In assessing damages, advantages and disadvantages to be considered.

Compensation of viewers and officers of court.

SECTION 5. The said court shall allow such fees to the viewers and appraisers and officers of the court as are chargeable and proper for such services under the existing fee bills, which shall be paid by the petitioners for the said ways, and if necessary their payment shall be compelled by attachment; and it shall be at the option of the petitioners for the said way, either after the report is filed or after the verdict of the jury, after paying the damages and legal costs to the time, to abandon the further prosecution of making said way, and as evidence thereof, shall file his or their declaration of that intent, in writing, in the said court, which shall terminate all further proceedings on the said petition in reference to said way.

Petitioners may abandon the making of way.

To file declaration of intent.

Notice of intention to file petition for right of way, relative to.

SECTION 6. Fifteen days' notice shall be given of the intention to file a petition for a right of way, in the court of common pleas as aforesaid, to the owners or their agents of the land over, through or under which the contemplated way shall pass, if the said owners shall reside or have a business office in this commonwealth; and in case the owners of said lands are unknown, an affidavit thereof being filed by any petitioner for said way, notice shall be given in one newspaper printed in the county where the land lies, for three consecutive weeks, and if there is no newspaper printed in the county where the land lies, it shall be printed and published in a paper in such county of the state, as the court may direct, having reference to the residence or place of business of the supposed owners of said lands.

APPROVED—The 13th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 175.

## AN ACT

Requiring every railroad or canal corporation, organized in this state, to maintain an office therein for the transaction of its business.

SECTION 1. *Be it enacted, &c.*, That every railroad or canal corporation, organized in this state, shall maintain an office therein for the transaction of its business, where transfers of its stock shall be made and books kept for the inspection, by any stock or bondholder or any other person having any pecuniary interest in such corporation, in which shall be recorded the amount of capital stock subscribed or paid in and by whom, the names of the owners of its stock and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

EXECUTIVE CHAMBER, )  
Harrisburg June 15, 1874. }

To M. S. QUAY,

*Secretary of the Commonwealth:*

SIR:—The foregoing act of assembly, entitled "An Act requiring every railroad or canal corporation, organized in this state, to maintain an office therein for the transaction of its business," was presented to me on the 14th day of May, A. D. 1874, and not having been filed in your office, with my objections thereto, within thirty days after the final adjournment of the legislature, it has become a law, agreeably to the constitution of this commonwealth.

You are, therefore, hereby directed to cause it to be enrolled and published.

J. F. HARTRANFT.

No. 176.

## AN ACT

To carry into effect section eight of article seventeen of the constitution, in relation to granting free passes or passes at a discount by railroad or other transportation companies.

SECTION 1. *Be it enacted, &c.*, That no railroad, railway or other transportation company, having accepted the provisions of the seventeenth article of the constitution, or hereafter organized, shall grant free passes or passes at a discount to any person except to an officer or employee of the company issuing the same; and any person signing or issuing any such free passes, or passes at a discount, except to officers or employees as aforesaid, shall be subject to pay a fine to the commonwealth not exceeding one hundred dollars: *Provided*, That nothing herein contained shall be held to prevent the use of passes granted previous to the adoption

of the present constitution, the limited time whereof has not expired, nor to prevent the use of passes granted for a valuable consideration under contracts made between corporations and individuals, or between one corporation and another.

EXECUTIVE CHAMBER, }  
Harrisburg, June 15, 1874. }

To M. S. QUAY,

*Secretary of the Commonwealth :*

SIR:—The foregoing act of assembly, entitled "An Act to carry into effect section eight of article seventeen of the constitution, in relation to granting free passes or passes at a discount by railroad or other transportation companies," was presented to me on the 14th day of May, A. D. 1874. and not having been filed in your office, with my objections thereto, within thirty days after the final adjournment of the legislature, it has become a law, agreeably to the constitution of this commonwealth.

You are, therefore, hereby directed to cause it to be enrolled and published.

J. F. HARTRANFT.

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No. 177.

### AN ACT

To enable the auditor general to settle the accounts of the state printer.

WHEREAS, The office of the state printer of this commonwealth was destroyed by fire, November fifth, one thousand eight hundred and seventy-three, and was by practice and from necessity the depository of a large quantity of paper belonging to the state, and of public documents printed for or in course of preparation for the heads of departments. and under contract and orders from the constitutional convention, but not delivered, and it is inequitable that the said state printer should bear the loss thereof:

*And whereas,* He alleges that the amount of said loss by him sustained for work ordered and in preparation for the constitutional convention, is about twenty thousand five hundred dollars, and for work ordered and in preparation, and materials in stock necessary for the same, for the heads of departments, is about the sum of ten thousand five hundred dollars.

SECTION 1. *Be it enacted &c,* That the auditor general be and he is hereby authorized to examine the claim of Benjamin Singerly, state printer, as aforesaid, for losses sustained by reason of the fire aforesaid, to ascertain by sworn affidavits the amount and character of the losses so as aforesaid sustained, and to allow an equitable and just compensation for the same upon the basis of the contract between the state and said Singerly, and of the contract or orders between the constitutional convention and said Singerly, with like

effect as though delivery had been made of the documents and paper in the condition in which they were at the date of said fire; the sworn affidavits of the quantity, character and ownership of the material and documents to be full and precise, and to remain on file in the office of the auditor general: *Provided*, That the amounts so paid shall not exceed the sum of thirty-one thousand dollars.

APPROVED—The 14th day of April, A. D. 1874.

J. F. HARTRANFT.

No. 178.

### A SUPPLEMENT

To an act, entitled "An Act granting a pension to Henry Fix," passed the twenty-third day of May, Anno Domini eighteen hundred and seventy-one.

SECTION 1. *Be it enacted, &c.*, That the state treasurer is hereby directed to pay to Henry Fix, late private in company I, commanded by Captain F. S. Boas, in the Twentieth regiment, Pennsylvania militia, commanded by Colonel W. B. Thomas, a further pension, to wit: the sum equal to the amount of eight dollars per month, from the twenty-sixth day of September, Anno Domini one thousand eight hundred and sixty-two, to the first day of January, Anno Domini one thousand eight hundred and seventy, making the whole amount received by the said pensioner during the said period equal to the sum of eight dollars per month.

APPROVED—The 2d day of May, A. D. 1874.

J. F. HARTRANFT.

No. 179.

### AN ACT

To extend to the county of Union the third proviso to section one of an act to amend and consolidate the several acts relating to game and game fish, approved the first day of May, Anno Domini one thousand eight hundred and seventy-three, which reads as follows: "*Provided*, That so much of this section as prohibits the running of deer with dogs shall not apply to the counties of Centre, Clinton, Fayette, Schuylkill and Wyoming."

SECTION 1. *Be it enacted, &c.*, That the third proviso to section one of an act to amend and consolidate the several acts relating to game and game fish, approved the first day of May, Anno Domini one thousand eight hundred and seventy-three, which reads as follows: "*Provided*, That so much of this section as prohibits the running of deer with dogs shall not apply to the counties of Centre, Clinton, Fayette, Schuylkill and Wyoming," be and the same is hereby extended to the county of Union.

APPROVED—The 1st day of May, A. D. 1874.

J. F. HARTRANFT.

SECTION 1. *Be it enacted, &c.*, That the state treasurer be and he is hereby authorized and required to place the name of Mary Dougherty, widow of the late John Dougherty, deceased, who served as second lieutenant of Captain M' Culloch's company of volunteers in the war of eighteen hundred and twelve, on the list of pensioners; and to pay to the said Mary Dougherty a gratuity of forty dollars and an annuity of forty dollars per annum, payable semi-annually, from the first day of January eighteen hundred and seventy-four, to continue for and during her natural life: *Provided*, That when the general government shall pass a law under which she can receive a pension from the United States the pension granted by this act shall cease and determine.

APPROVED—The 7th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 185.

#### AN ACT

To repeal an act to authorize and require the school directors of North Sewickly township, Beaver county, to levy a tax to pay balance due by said township for bounty purposes, approved April eleventh, one thousand eight hundred and sixty-eight, and the supplement thereto, approved the ninth day of April, one thousand eight hundred and seventy-two.

SECTION 1. *Be it enacted, &c.*, That the act to authorize and require the school directors of North Sewickly township, Beaver county, to levy a tax to pay balance due by said township for bounty purposes, approved the eleventh day of April, Anno Domini one thousand eight hundred and sixty-eight, and the supplement thereto, approved the ninth day of April, Anno Domini one thousand eight hundred and seventy-two, be and the same are hereby repealed.

APPROVED—The 11th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 186.

#### AN ACT

To repeal an act, entitled "An Act to extend the provisions of an act, entitled 'An Act to prevent cattle, horses, mules, sheep, goats and swine, from running at large in the townships of Sugar Grove and Freehold, in the county of Warren, and Plum township, Venango county,' to the townships of Bedford and Snake Spring, in the county of Bedford."

SECTION 1. *Be it enacted, &c.*, That the provisions of an act of assembly, approved the tenth day of April, Anno Domini one thousand eight hundred and seventy-three, providing as follows: "That the provisions of an act of assembly, approved the twenty-seventh day of March, Anno

Domini one thousand eight hundred and sixty-nine, entitled "An Act to prevent cattle, horses, mules, sheep, goats and swine, from running at large in the townships of Sugar Grove and Freehold, in the county of Warren, and Plum township, Venango county, be and the same are hereby extended to the townships of Bedford and Snake Spring, in the county of Bedford," be and the same is hereby repealed.

APPROVED—The 11th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 187.

### AN ACT

To repeal an act passed and approved the twenty-fifth day of March, Anno Domini one thousand eight hundred and seventy-three, authorizing the erection of a building in the village of Sugar Grove, in the county of Warren, by the road commissioners.

SECTION 1. *Be it enacted, &c.*, That the act of the general assembly, approved the twenty-fifth day of March, Anno Domini one thousand eight hundred and seventy-three, entitled "An Act authorizing the erection of a building in the village of Sugar Grove, county of Warren, for the use of the people of Sugar Grove township in the holding of elections, primary and township meetings and for the use of township officers, and empowering the road commissioners to levy and collect additional tax," be and the same is hereby repealed.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 188.

### AN ACT

For the relief of Rebecca Stock, a resident of Mill Creek township, Snyder county, widow of Conrad A. Stock, a soldier of the war of one thousand eight hundred and twelve.

WHEREAS, Rebecca Stock is excluded from becoming a pensioner of the United States by act of congress, approved February fourteenth, one thousand eight hundred and seventy-one, by reason of marriage to her late husband, a soldier of the war of one thousand eight hundred and twelve, after February seventeenth, one thousand eight hundred and fifteen and before the first of January, one thousand eight hundred and twenty:

*And whereas*, Said widow is in indigent circumstances and very old; therefore,

SECTION 1. *Be it enacted, &c.*, That the state treasurer be and he is hereby authorized and required to place the name of Rebecca Stock on the list of pensioners, at the rate of

eight dollars per month, from January first, one thousand eight hundred and seventy-four, to continue for and during the term of her natural life.

APPROVED—The 14th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 189.

# AN ACT

Passed in pursuance of notice given according to law to repeal an act approved the tenth day of April, one thousand eight hundred and seventy-three, entitled "An Act to vacate parts of Second street, Monroe street and High street, in the town of Port Perry, Allegheny county."

SECTION 1. *Be it enacted, &c.,* That the act approved the tenth day of April, one thousand eight hundred and seventy-three, entitled "An Act to vacate parts of Second street, Monroe street and High street, in the town of Port Perry, Allegheny county," published in the pamphlet laws of one thousand eight hundred and seventy-three, on page five hundred and ninety-two, is hereby repealed.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 190.

# AN ACT

To repeal an act for the protection of sheep and taxing of dogs in the township of Hamilton, in the county of Monroe, approved on the second day of April, Anno Domini one thousand eight hundred and seventy.

SECTION 1. *Be it enacted, &c.,* That an act for the protection of sheep and taxing of dogs in the township of Hamilton, in the county of Monroe, approved on the second day of April, Anno Domini one thousand eight hundred and seventy, be and the same is hereby repealed.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 191.

# AN ACT

To validate a conveyance of land in Venango county, and to assure the title of the same, made by John Hopper, trustee of the Orange Oil Company, and the said Orange Oil Company, to George Jackson.

WHEREAS, John Hopper, trustee of the Orange Oil Company, a corporation of the state of New Jersey, and the said

Orange Oil Company, for a valuable consideration, have by deed of conveyance conveyed certain lands in Venango county to George Jackson :

*And whereas*, It is represented that the title of said land was held by John Hopper, trustee for said Orange Oil Company, in violation of the laws of this commonwealth, and that the conveyance of said lands by said John Hopper, trustee, and said Orange Oil Company, to said George Jackson, was invalid without the consent and authority of this commonwealth.

SECTION 1. *Be it enacted, &c.*, That the title of, in and to the said lands conveyed by the said John Hopper, trustee of the Orange Oil Company, and the said Orange Oil Company, to the said George Jackson, be and the same is hereby confirmed and made valid and effectual in law, in and to the said George Jackson, and to his heirs and assigns forever, anything in the laws of this commonwealth to the contrary notwithstanding.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.

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No. 192.

AN ACT

To repeal an act, entitled "An Act to authorize the road supervisors of Hickory township, Mercer county, to levy additional taxes for road purposes."

SECTION 1. *Be it enacted, &c.*, That an act, entitled "An Act to authorize the road supervisors of Hickory township, Mercer county to levy additional taxes for road purposes," which reads as follows : "That the road supervisors of Hickory township, in the county of Mercer, are hereby authorized and required to levy and collect annually, as other taxes are now levied and collected, a *per capita* tax of two dollars on each male inhabitant in said township above the age of twenty-one years, for road purposes, and also a tax for the same purpose not to exceed three mills on every dollar of the assessed valuation of all property liable to county rates and levies in said township," be and the same is hereby repealed ; this repeal to take effect from and after September first, one thousand eight hundred and seventy-four.

APPROVED—The 15th day of May, A. D. 1874.

J. F. HARTRANFT.



## No. 193.

## AN ACT

To repeal an act approved April tenth, one thousand eight hundred and seventy-three, entitled "An Act to repeal the road laws of M'Kean county, and to restore the provisions of the general road law as passed in Anno Domini one thousand eight hundred and two, and the supplements thereto, to said county."

SECTION 1. *Be it enacted, &c.*, That an act approved April tenth, one thousand eight hundred seventy-three, entitled "An Act to repeal the road laws of M'Kean county, and to restore the provisions of the general road law as passed in Anno Domini one thousand eight hundred and two, and the supplements thereto, to said county," be and the same is hereby repealed; and that from and after the passage of this act, the general road law of the commonwealth, together with its several supplements, are extended to the said county of M'Kean, and the township officers elected February seventeen, one thousand eight hundred and seventy-four, be the officers under said law as far as compatible therewith.

APPROVED—The 19th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 194.

## AN ACT.

To repeal an act, entitled "An Act relative to the duties of district attorney for the county of Erie."

Act repealed.

SECTION 1. *Be it enacted, &c.*, That the act, entitled "An Act relative to the duties of district attorney for the county of Erie," approved the ninth day of March, Anno Domini one thousand eight hundred and sixty-seven, which enacts that it shall be the duty of the district attorney for the county of Erie to bring suits, by *scire facias* or otherwise, upon all recognizances forfeited in the courts of oyer and terminer and quarter sessions in and for said county, and to prosecute the same to judgment and collection," be and the same is hereby repealed.

How forfeited  
recognizances to  
be collected.

SECTION 2. That hereafter all forfeited recognizances in the courts of said county shall be collected under the direction of the county commissioners, as provided by the general laws of this commonwealth.

APPROVED—The 19th day of May, A. D. 1874.

J. F. HARTRANFT.

No. 195.

## AN ACT

Declaring Montgomery creek and its branches, in Clearfield county, public highways.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act, Montgomery creek and its several branches, in the county of Clearfield, be and the same is hereby declared a public highway or highways, for the purpose of driving and floating logs, lumber, et cetera, down said stream or streams.

APPROVED—The 21st day of May, A. D. 1874.

J. F. HARTRANFT.

No. 196.

## AN ACT

Declaring the First Fork of the Sinnemahoning creek, in the county of Potter, a public highway, from the mouth of the South Lick branch thereof as far up as the mouth of Prouty run.

SECTION 1. *Be it enacted, &c.*, That the First Fork of the Sinnemahoning creek, in the county of Potter, from the mouth of the South Lick branch thereof, as far up as the mouth of the Prouty run, be and the same is hereby declared a public highway.

APPROVED—The 21st day of May, A. D. 1874.

J. F. HARTRANFT.

No. 197.

## AN ACT

To extend to the county of Lycoming, the third proviso to section one of an act to amend and consolidate the several acts relating to game and game fish, approved the first day of May, Anno Domini one thousand eight hundred and seventy-three, which reads as follows: "*Provided*, That so much of this section as prohibits the running of deer with dogs, shall not apply to the counties of Centre, Clinton, Fayette, Schuylkill and Wyoming."

SECTION 1. *Be it enacted, &c.*, That the third proviso to section one of an act to amend and consolidate the several acts relating to game and game fish, approved the first day of May, Anno Domini one thousand eight hundred and seventy-three, which reads as follows: "*Provided*, That so much of this section as prohibits the running of deer with dogs, shall not apply to the counties of Centre, Clinton, Fayette, Schuylkill and Wyoming," be and the same is hereby extended to the county of Lycoming.

APPROVED—The 25th day of May, A. D. 1874.

J. F. HARTRANFT.

boreis upon leasehold estates and property thereon, in the county of Venango,' approved April eighth, Anno Domini one thousand eight hundred and sixty-eight, and the several supplements thereto, to Forest county, and to extend the lien in the provisions of said act to real estate," approved March twenty-seventh, Anno Domini one thousand eight hundred and seventy-three, (pamphlet laws, four hundred and thirty-seven,) be and the same are hereby repealed so far as they relate to the counties of Armstrong, Butler, Clarion, Crawford, Forest, Venango and Warren, except as to claims for actual labor done by mechanics and laboring men.

When act to take effect.

SECTION 2. This act shall take effect July first, Anno Domini one thousand eight hundred and seventy-four, and shall not be construed to prejudice any claim arising under the acts hereby repealed prior to that date.

APPROVED—The 5th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 199.

#### AN ACT

To repeal an act, entitled "An Act to require the borough of Youngsville, in Warren county, to maintain a certain side-walk.

SECTION 1. *Be it enacted, &c.,* That the act to require the borough of Youngsville, Warren county, to maintain a certain side-walk, approved the sixth day of April, Anno Domini one thousand eight hundred and seventy, be and the same is hereby repealed.

APPROVED—The 8th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 200.

#### AN ACT

For the relief of the children of Mary E. Prosser, widow of Holden L. Prosser, late of M'Kean county, Pennsylvania.

WHEREAS, Holden L. Prosser, a native of M'Kean county, in this state, where his parents still reside, removed, after he was grown, to Iowa, and then enlisted in company H, nineteenth regiment Iowa volunteers, and died in the service of the United States, in the United States hospital at Vicksburg, Mississippi, on the fourth day of August, eighteen hundred and sixty-three:

*And whereas,* His widow and children returned to Pennsylvania in the year eighteen hundred and sixty-four, and have since resided in said county:

*And whereas,* The said children are in indigent circumstances, dependent upon others, being their relations, citizens of Pennsylvania, for support; therefore,

**SECTION 1.** *Be it enacted, &c.,* That the children of Holden L. Prosser, a former resident of Pennsylvania, who died in the United States service, be and they are hereby declared eligible to all the benefits of the laws of this state, providing or hereafter to provide for the education and maintenance of soldiers' orphans, as if said father had enlisted in a Pennsylvania regiment, subject however to all the conditions attending admission and attendance at such schools in force concerning the orphans of Pennsylvania soldiers.

APPROVED—The 8th day of June, A. D. 1874.

J. F. HARTRANFT.

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No. 201.

AN ACT

For the relief of Captain John H. Miller.

**WHEREAS,** Captain John H. Miller, a pensioner of United States, is in indigent circumstances, resulting from wounds and loss of health received during the late war, and who is now living on the small pension granted him by the government, and the county of Erie, on the thirtieth day of April, one thousand eight hundred and forty-seven, purchased a small piece of land from Lititia Day, (who had acquired title to the same by actual settlement,) and recorded his deed therefor in the office of register and recorder for Erie county, where the land is situated, on the nineteenth day of May, one thousand eight hundred and forty-seven, in deed book S, page fourteen, and also surveyed the same and recorded his survey in the county surveyor's book and forwarded the same to the surveyor general at Harrisburg, with his application for a patent therefor, during the year eighteen hundred and forty-eight, as provided by law, being for ten acres and seventy-eight perches of land, which said application and survey is still on file in the records of the county surveyor for Erie county, and that said land was settled and improved by the vendors of John H. Miller and through him for a period of over fifty-eight years:

*And whereas,* The act incorporating the Marine hospital at Erie, approved March twenty-second, eighteen hundred and sixty-seven, page ———, P. L. eighteen hundred and sixty-seven, in the fifteenth and sixteenth sections thereof, directed the managers of said hospital to have surveyed and measured out certain lake beach and new made lands in front of said hospital grounds and to file a map or plot of the same with the surveyor general, and thus made it the duty of the surveyor general to issue a patent to the Marine hospital for the same:

*And whereas,* G. W. F. Sherwin, Esq., a civil engineer and surveyor, was employed to make said survey and to map and return the same to the surveyor general, and (not knowing the said Miller's claim and title) in so doing, by error and misapprehension, included the land of John H. Miller

as aforesaid with the lake beach and new made land mentioned in the fifteenth and sixteenth sections of said act of March twenty-second, eighteen hundred and sixty-seven, and a patent was issued to said hospital covering and including said Miller's land with the said lake beach and new made land :

*And whereas*, In compliance with act of May eleventh, eighteen hundred and seventy-one, P. L. eighteen hundred and seventy-one, page seven hundred and thirty-one, relating to said hospital, all of said land was re-conveyed to the commonwealth to be held in trust for said hospital ;

SECTION 1. *Be it enacted, &c.*, That the following piece of land, to wit: commencing at the north-western corner of out lot number five hundred and fifty-five, on the east side of Beech lane; thence south sixty-four degrees, west sixteen and eighty-five perches to the garrison grounds; thence along said garrison grounds twenty-three degrees fifty, west nineteen and eighty-five hundredths perches; thence south eighty-two degrees, west eight and seven-tenth perches; thence north five and a half degrees, west seventy-five and one-half perches to the lake beach or new made land; thence along said new made land south seventy-eight and a half degrees, east fifty-eight and three-tenths perches, and thence along the west line of Newman's land south twenty-six degrees, east forty-eight and one-half perches to the place of beginning, containing ten acres and seventy-eight perches of land, in the county of Erie, state of Pennsylvania, is hereby excluded from the survey of G. W. F. Sherwin, Esq., made by him under the fifteenth and sixteenth sections of act of March twenty-second, eighteen hundred and sixty-seven, incorporating the Marine hospital of Erie, and that a title thereto be granted and confirmed unto Captain John H. Miller, and a patent therefor be issued to him by the commonwealth, upon payment of the fees, charges and costs usual in applications for patent for lands by virtue of actual settlement, et cetera.

APPROVED—The 6th day of June, A. D. 1874.

J. F. HARTRANFT.

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No. 202.

AN ACT.

For the relief of Captain Richard Budd.

WHEREAS, Captain Richard Budd did, under competent authority, during the months of December, one thousand eight hundred and sixty-one, and January, one thousand eight hundred and sixty-two, recruit in Schuylkill county, Pennsylvania, a number of men, upward of thirty, for the ninety-sixth regiment Pennsylvania volunteers, and for other volunteer organizations:

*And whereas*, The said party did furnish the said men, out of his own means, subsistence from the time he recruited

them until their arrival at camp, at or near Alexandria, Virginia, and furnished transportation for the same, circumstances preventing his obtaining either from the regular sources :

*And whereas*, He, the said Budd, has never been reimbursed by the general government, his accounts and vouchers having been lost or mislaid by the duly authorized officers of the government stationed at Harrisburg, after filing for settlement :

*And whereas*, It is impossible, on account of the lapse of time, deaths of justices, loss of papers in the army and other circumstances, for the aforesaid party to substantiate his claim in the manner required at Washington, District of Columbia ; therefore,

SECTION 1. *Be it enacted, &c.*, That the auditor general be authorized and is hereby required to examine the account and statements of the said Budd, and issue his warrant on the state treasurer for such an amount as he may deem equitable and just, which said money shall be paid out of any moneys not otherwise appropriated : *Provided*, That said claim shall not exceed the sum of one thousand dollars.

APPROVED—The 9th day of June, A. D. 1874.

J. F. HARTRANFT.

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No. 203.

# A SUPPLEMENT

To an act, entitled "An Act granting a pension to Samuel Hamilton," approved April third, eighteen hundred and sixty-seven.

WHEREAS, Samuel Hamilton, a private in company I, commanded by Captain F. S. Boas, in the twentieth regiment, Pennsylvania militia, commanded by Colonel W. B. Thomas, called out by the proclamation of the governor, dated the tenth day of September, Anno Domini one thousand eight hundred and sixty-two, while with his company and regiment on the railroad train from Greencastle to Harrisburg, in consequence of a collision of cars suffered such injuries as rendered him unfit to perform manual labor, for which he received a pension at the rate of eight dollars per month, commencing on the twenty-sixth day of September, Anno Domini one thousand eight hundred and sixty-two, to continue for and during his natural life :

*And whereas*, The said Samuel Hamilton has since deceased, leaving his widow Catharine Hamilton and minor children in destitute circumstances ; therefore,

SECTION 1. *Be it enacted, &c.*, That the pension of eight dollars per month paid to the said Samuel Hamilton during his life-time, be continued as though he had not died, and be paid out of the state treasury to the said Catharine Hamilton, surviving widow, and minor children, of said Samuel Hamilton, under the following terms and limitations, to wit : To such widow during life and to such child or children after

said widowhood ceases, whilst under the age of sixteen years.

APPROVED—The 9th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 204.

### AN ACT

To repeal the third section of an act, entitled "An Act for the making of a state road in the counties of Schuylkill and Dauphin," approved the seventh day of April, Anno Domini one thousand eight hundred and sixty-nine, and the supplement to the said act, approved the twenty-seventh day of February, Anno Domini one thousand eight hundred and seventy-two. •

SECTION 1. *Be it enacted, &c.,* That the third section of the act, entitled "An Act for the making of a state road in the counties of Schuylkill and Dauphin," approved the seventh day of April, Anno Domini one thousand eight hundred and sixty-nine, and the supplement to the said act, approved the twenty-seventh day of February, Anno Domini one thousand eight hundred and seventy-two, be and the same are hereby repealed.

APPROVED—The 9th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 205.

### AN ACT

For the relief of Hannah Thompson, mother of John M. Thompson, late superintendent of the state arsenal.

WHEREAS, Colonel John M. Thompson, late superintendent of the state arsenal, died on the fifteenth day of March, one thousand eight hundred and seventy-four, from the effects of terrible wounds received during the late war:

*And whereas,* The said Colonel John M. Thompson, entered the union army in one thousand eight hundred and sixty-one, as an enlisted man in company A, Forty-ninth regiment Pennsylvania volunteers, and by good conduct and gallantry on many a hard fought battle field, rose to the rank of captain, and was brevetted major and lieutenant colonel for gallantry at Winchester, Virginia:

*And whereas,* The said Colonel John M. Thompson, was desperately wounded at the battle of Winchester, Virginia, September nineteen, one thousand eight hundred and sixty-four, from the results of which he was confined to his bed for over one year, and rendering him a hopeless cripple, his life being preserved as if by a miracle:

*And whereas,* The said Colonel John M. Thompson was, during his life, the sole stay and support of his mother, who is now left to mourn his death at an advanced age; now, therefore,

**SECTION 1.** *Be it enacted, &c.,* That in appreciation of his valuable services as a state official, and in consideration of his services and sufferings in defence of our country during the dark hours of the rebellion, the sum of five hundred dollars be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, the same to be for the benefit of Mrs. Hannah Thompson, mother of the deceased Colonel John M. Thompson.

APPROVED—The 9th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 206.

### A FURTHER SUPPLEMENT

To an act, entitled "An Act to aid the Central Normal School Association of the State of Pennsylvania," approved the eighth day of April, Anno Domini eighteen hundred and seventy-two, making an appropriation of ten thousand dollars thereto.

**SECTION 1.** *Be it enacted, &c.,* That the Central Normal School Association of the state of Pennsylvania shall be entitled to aid as hereinafter provided, for the purpose of completing its buildings at Lock Haven for the normal school of the Eighth normal school district.

Entitled to aid.

**SECTION 2.** Whenever the president of said association shall certify to the superintendent of public instruction, under oath or affirmation, that five thousand dollars have been paid said association since the passage of this act, for capital stock therein, or that said amount of good *bona fide* subscriptions have been so made to said stock, then the superintendent of public instruction shall draw a warrant for five thousand dollars upon the state treasurer, to be paid out of any money appropriated, or to be appropriated, for school purposes, and in favor of the trustees of said corporation; and so for every five thousand dollars so paid for said stock or good *bona fide* subscriptions secured for the same, and after a like certificate therefor to the superintendent of public instruction, he shall draw a warrant for a like sum of five thousand dollars upon the state treasurer, for like money as aforesaid, until the sum of ten thousand dollars shall be thus received by the trustees of said association from the commonwealth.

When warrants to be drawn in favor of trustees.

**SECTION 3.** That in case of the transfer or sale of the buildings or property of said association, either by private sale, legal process or otherwise, whereby the same may be diverted from its intended use for normal school purposes, all moneys which may be appropriated or have been appropriated by the state to said association, shall be refunded to the state by the person or persons to whom it may be transferred by the purchaser or purchasers, and the same is hereby made a lien on said property for said purpose.

In case of sale of property, money to be refunded.

APPROVED—The 13th day of June, A. D. 1874.

J. F. HARTRANFT.



No. 207.

## AN ACT

To aid the Indiana Normal school of Pennsylvania.

WHEREAS, There has been expended by the trustees of the Indiana Normal school, in the erection of a school building, under a plan which has been approved by the superintendent of common schools, at Indiana, Pennsylvania, not less than forty thousand dollars:

*And whereas*, There is subscribed and unpaid to the stock of said school, not less than thirty thousand dollars, and an entire contract for the completion of said building has been made by the trustees, in pursuance of which the said building is in process of erection:

SECTION 1. *Be it enacted, &c.*, That the sum of ten thousand dollars be and is hereby appropriated to the Indiana Normal school of Pennsylvania, to be paid in instalments of five thousand dollars, on the warrant of the superintendent of common schools; before the said superintendent shall issue his first warrant, the trustees of said normal school shall certify, under oath or affirmation, that there has been expended on the erection of the school building five thousand dollars, in addition to that theretofore expended therefor, and at the application for the second warrant, that there has been expended an additional five thousand dollars; that the said normal school shall have none of the privileges of the act establishing normal schools, approved May twentieth, Anno Domini one thousand eight hundred and fifty-seven, until it is duly recognized as a state normal school, and that the state superintendent shall be invested with such authority as he now exercises over the recognized normal schools of the state; and the said normal school shall not be diverted from its designs of training teachers for the common schools of the commonwealth, without refunding to the state such moneys as it has received therefrom, which said moneys shall be a lien upon the said buildings until paid.

APPROVED—The 13th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 208.

## AN ACT

To re-imburse J. G. White, superintendent of the soldiers' orphans' school of Mercer, Pennsylvania, for clothing soldiers' orphans over ten years of age, on account of the state.

WHEREAS, J. G. White, superintendent of the soldiers' orphans' school of Mercer, Pennsylvania, under authority of law, between the first day of January, eighteen hundred and sixty-eight, and the thirty-first day of May, eighteen hundred

and seventy, did clothe, at his own expense, eighty-five children over the age of ten years for different lengths of time:

*And whereas*, During said time the annual allowance by law for the clothing of said children was the sum of twenty-five dollars each:

*And whereas*, The said J. G. White was never paid for the clothing of said children, because a sufficient appropriation was not made therefor, and because the same was not taken into account when estimates of deficits were made:

*And whereas*, The said claim will appear among claims filed in the office of superintendent of soldiers' orphans' schools in the state of Pennsylvania, and allowed to be just and proper by the then superintendent; therefore,

SECTION 1. *Be it enacted, &c.*, That the auditor general be authorized and is hereby required to examine the accounts and statements of the said J. G. White, and issue his warrant on the state treasurer for such an amount as he may deem equitable and just, which said money shall be paid out of any moneys not otherwise appropriated.

APPROVED—The 13th day of June, A. D. 1874.

J. F. HARTRANFT.

No. 58.

**\*AN ACT**

To regulate the manner of advertising for the state, and the issuing of warrants therefor.

SECTION 1. *Be it enacted, &c.*, That all advertisements, published by any officer or officers of this commonwealth authorized by law to publish the same, shall be published only in the regular advertising columns of the papers to which they are furnished, without being leaded or displayed, and shall be chargeable only at the rates charged to other advertisers who advertise in the ordinary advertising columns of such papers.

How advertisements to be published.

SECTION 2. No advertisement shall be published by any officer of this commonwealth, which is not duly authorized by law, nor in more papers than so authorized.

Unauthorized advertisements not to be published.

SECTION 3. All officers who may be authorized to advertise as aforesaid, shall accompany each copy of the advertisements, furnished by them for publication, with an order, stating the number of lines or squares such advertisements are each to occupy when inserted, and the number of insertions which is to be given to each of the same.

Each copy of advertisements to be accompanied with order for publication.

SECTION 4. It shall not be lawful for the auditor general to issue warrants to pay for any advertisement authorized by law, unless the bills for the same be accompanied with the written or printed, or partly written and partly printed, order of the officer or officers furnishing the same for publication,

Not to be paid for unless bill is accompanied with order and affidavit.

\*Re-published to correct an error in the printing of the second section, the word "and" having been omitted. See page 125.

stating the number of lines or squares it is to occupy when inserted, and the number of insertions to be given to it, together with the affidavit of the editor or publisher of the paper publishing the same, that it has been inserted in all respects as ordered.

APPROVED—The 6th day of May, A. D. 1874.

J. F. HARTRANFT.

## RESOLUTIONS

PASSED AT SESSION OF EIGHTEEN HUNDRED AND SEVENTY-FOUR.

## No. 1.

## JOINT RESOLUTION

Providing for the appointment by the governor of three commissioners to investigate the condition of the bituminous coal mines in this commonwealth.

**WHEREAS**, It is essential to the welfare of all classes that the commonwealth, by wholesome laws enacted, should guarantee proper safeguards for the preservation of life and limb to those following the various avocations of life: Preamble.

*And whereas*, The coal miners engaged in mining coal throughout the bituminous coal regions of this state have, by numerous petitions and otherwise, complained to the legislature thereof, that they are suffering to a great extent, both physically and mentally, while following their daily avocation, from an inadequacy of proper ventilation and drainage of mines:

*And whereas*, Conflicting opinions and interests throughout said bituminous coal regions seem to indicate that existing laws relating to the ventilation of mines throughout certain sections of the commonwealth are inapplicable to the bituminous regions; therefore,

*Be it resolved, &c.*, That the governor is hereby authorized to appoint a board of commissioners, to consist of three persons, who have a reputable practical knowledge of mines and mining throughout the bituminous coal regions of the state, whose duty it shall be to carefully and fully investigate the present condition of bituminous coal mines, and ascertain whether the same are properly ventilated and drained, together with such other matters connected therewith as are calculated to preserve the health and secure the safety of persons employed therein; said commissioners to report the result of said investigation to the next legislature. Governor authorized to appoint three commissioners.

**SECTION 2.** That said commissioners shall have full authority to enter, unmolested, any and all coal mines throughout the state, and shall be empowered to make such examinations therein as in their judgment they may deem expedient; and for each day thus employed said commissioners shall be paid the sum of five dollars per day, together with all necessary expenses incurred while in the discharge of their duties, a record of which shall be kept by said commissioners, which shall be sworn to, when the same shall be paid by the state treasurer, out of any money in the treasury not otherwise appropriated, after approval by the proper accounting officer of the state: *Provided*, That the Their duties.

Powers.

Compensation.

## LAWS OF PENNSYLVANIA,

time occupied by said commissioners in said investigation shall not exceed one hundred days.

APPROVED—The 16th day of March, A. D. 1874.

J. F. HARTRANFT.

## No. 2.

## JOINT RESOLUTION

For an appropriation for painting a portrait of the governor.

*Be it resolved, &c.*, That the sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the painting of a portrait of the present governor, to be placed in the executive department, to be expended under the direction of the secretary of the commonwealth.

APPROVED—The 14th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 3.

## JOINT RESOLUTION

Providing for the printing of the constitution of this commonwealth.

*Resolved, &c.*, That the secretary of the commonwealth be directed to have a certified copy of the constitution printed in the general laws of the state for the present year.

APPROVED—The 17th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 4.

## JOINT RESOLUTION

To correct the coat of arms of the commonwealth, to have the same recorded in the state archives.

WHEREAS, The attention of the general assembly was drawn, in the governor's annual message of one thousand eight hundred and sixty-nine, to the fact that there is no record of the coat of arms of the commonwealth to be found in any department of the government:

*And whereas*, Such armorial ensigns are frequently used, attached to or copied upon public documents of various kinds, as also upon banners on state occasions, such as are very likely to arise during the approaching centennial celebration, and in other ways displayed or issued from the seat of government, wherein correctness and regularity are desirable:

*And whereas*, The arms now in use, from their style and from their approach to uniformity, are evidently founded upon and derived from the devices composing the great seal

of the state, now of correct record in the state department, thus conferring what would seem to be sufficient authority upon the said armorial bearings by common consent and custom, though more specific authority be not known to exist or having existed has been lost; now therefore,

*Be it resolved, &c.*, That the governor, the attorney general and the secretary of the commonwealth, be and they are hereby appointed and authorized, as a board of commissioners, to have the present arms of the state, as far as ascertained, the same being derived from the great seal, corrected of such errors or anomalies as may be therein discovered by careful comparison with and consultation of the rules of the science of heraldry, and, as soon as may be practicable, to have a copy of the said arms, so corrected, carefully emblazoned and described so as to be of record in the state department for future reference; the description to be in manner similar to the description of the great seal now of record in the said archives, under date one thousand eight hundred and nine, and re-established by the constitution of one thousand eight hundred and seventy-three; and that a copy be sent to deposit in the National Museum at Independence Hall, Philadelphia, with the arms of the other original states now being there collected.

APPROVED—The 30th day of April, A. D. 1874.

J. F. HARTRANFT.

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No. 5.

JOINT RESOLUTION

Providing for a commission to inquire into the condition of the criminal insane of this commonwealth and make report to the legislature.

SECTION 1. *Be it resolved, &c.*, That George L. Harrison, Thomas S. Kirkbride, Joseph R. Reed, John Curwen, G. Dawson Coleman, L. Clark Davis and Heister Clymer, be and the same are hereby appointed a commission to inquire into the condition of the criminal insane of this commonwealth, and to report to the next legislature what legislation is necessary to make proper provision for the insane, and should said commission report in favor of a separate institution for the care of the criminal insane, it shall be their duty to report a proper location and the probable cost of such an institution; said commissioners shall be paid their actual expenses while in the performance of the duties hereby imposed upon them, which shall be paid by the state treasurer on the certificate of the chairman of said commission out of any money in the treasury not otherwise appropriated.

APPROVED—the 16th day of May, A. D. 1874.

J. F. HARTRANFT.

## No. 6.

## JOINT RESOLUTION

To provide for the payment of the expenses attending the investigation of the management of the soldiers' orphan school, at Cassville, Huntingdon county.

*Resolved, &c.*, That the sum of one thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the funds of the state treasury, for the purpose of defraying the expenses incident to the investigation by the committee on education, of the management of the soldiers' orphan school, at Cassville, Huntingdon county; said money to be drawn by warrants signed by the chairman of said committee.

APPROVED—The 6th day of February, A. D. 1874.

J. F. HARTRANFT.

## No. 7.

## JOINT RESOLUTION

To pay expenses of special committee appointed to investigate the authorship of certain documents sent to banks and bankers throughout the state.

*Resolved, &c.*, That the state treasurer be authorized to pay, on the order of the chairman of the special committee, appointed in pursuance of resolution of the house of representatives, passed February nineteenth, one thousand eight hundred and seventy-four, to investigate the authorship of certain documents sent to banks and bankers throughout the state, the sum of one thousand six hundred and twenty-five dollars, as the expenses of said committee in the service of subpoenas, examination of witnesses, traveling expenses and the service of stenographers.

APPROVED—The 28th day of April, A. D. 1874.

J. F. HARTRANFT.

## No. 8.

## JOINT RESOLUTION

Requesting the United States government to donate Carlisle barracks to the use of the soldiers' orphans' schools of Pennsylvania.

WHEREAS, The state of Pennsylvania has provided homes, clothing and instruction for nearly seven thousand children, orphaned and left destitute by the casualties of the late civil war, at an expense of four million dollars:

*And whereas*, She has still in charge three thousand five hundred of these children; therefore,

*Be it resolved, &c.,* That the general government be requested to allow the property at Carlisle, known as the Carlisle barracks, to be fitted up by the state of Pennsylvania and used as a permanent school or home for soldiers' orphans.

*Resolved,* That Governor Hartranft be requested to forward a copy of the foregoing resolution to the president of the United States and one also to the secretary of war.

APPROVED—The 11th day of May, A. D. 1874.

J. F. HARTRANFT.

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No. 9.

JOINT RESOLUTION

Providing for the payment of the expenses of serving the writ of election to fill vacancy in the district composed of the counties of Wayne and Pike.

*Resolved, &c.,* That the sum of sixty-nine dollars and eighty-two cents be appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of defraying the expenses and mileage of serving writ of election to the sheriffs of Pike and Wayne counties, caused by the resignation of William H. Dimmick; said money to be drawn by warrant signed by the speaker of the house.

APPROVED—The 13th day of May, A. D. 1874.

J. F. HARTRANFT.

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No. 10.

JOINT RESOLUTION

To provide for the payment of expenses attending the investigation of the management of the soldiers' orphan school at Cassville, Huntingdon county.

*Be it resolved, &c.,* That the sum of twenty-six hundred and thirty-seven dollars and sixty cents, in addition to the amount heretofore appropriated, be and the same is hereby appropriated out of the state treasury, for the purpose of defraying the expenses incurred in the investigation by the committee on education of the management of the soldiers' orphan school at Cassville, Huntingdon county; said money to be paid on the certificate of the chairman of the senate committee on education, by warrant drawn by the speaker of the senate and house.

APPROVED—The 13th day of May, A. D. 1874.

J. F. HARTRANFT.



## APPENDIX—1867.

No. 209.

## AN ACT

To incorporate the Granite Insurance Company.

Corporators.

**SECTION 1.** *Be it enacted, &c.,* That William Martin, Jr., George A. Doyle, William M. Wright, Henry Latimer, Jr., Benjamin Griffith, William G. Reed, Joseph M. Carson, Frank Field, J. Hill Martin, and such other persons as they may hereafter associate with them, their successors and assigns, are hereby created and constituted a body politic and corporate in deed and in law, by the name, style and title of the Granite Insurance Company, to be located in the city of Philadelphia, and by said name, style and title shall have perpetual succession with full power and authority to make contracts of insurance, either limited or perpetual, with any person or persons, or body politic or corporate, against loss or damage by fire on all kinds of property or any other cause of risk, and to effect marine and inland insurance on vessels, boats, wagons or any other conveyance, and upon cargoes and freights, and to re-insure the same.

Title.

Powers and  
privileges.

Capital stock.

Election of direc-  
tors.

Dividends.

Subject to.

**SECTION 2.** That the capital stock of the said company shall consist of two thousand shares with power to increase the same to five thousand shares, at fifty dollars per share; ten dollars thereof to be paid at the time of subscribing, and the balance in such instalments and at such times as the board of directors may determine; and as soon as convenient after the passage of this act, the said company shall elect nine of their number directors thereof to serve until the next annual election; no stockholder not being in his individual capacity a party to any suit by or against the company shall be incompetent as a witness; a division of the profits of said company, if any, shall be made annually in January: *Provided,* That in all other respects the said corporation shall be subject to all the provisions of the act to provide for the incorporation of insurance companies, approved April second, Anno Domini one thousand eight hundred and fifty-six, of the first class, and entitled to all the privileges thereof.

APPROVED—The 23d day of February, A. D. 1867.

JNO. W. GEARY.

## APPENDIX—1870.

No. 210.

## AN ACT

To incorporate the Anthracite Region Printing Company.

SECTION 1. *Be it enacted, &c.* That J. C. Studtidant, J. T. Boyle, J. L. Anderson, W. Hayes and J. Irwin Steel, their assigns, associates and successors, be and they are hereby made and created a body politic and corporate, by the name, style and title of the Anthracite Region Printing Company, with right to sue and be sued, plead and be impleaded in any court of law or equity in this commonwealth; to have a common seal, and make, alter or break the same at pleasure, and to hold and have any and all manner of kind of real and personal estate and mixed, and to purchase, acquire, by bequest or in other lawful manner, and convey the same, at pleasure, by sale, gift, transfer or vendue, or any other manner as may be determined upon by the board of directors to be hereafter provided for in this act, and to make such improvements as may be determined upon.

Corporators.

Title.

Powers and privileges.

SECTION 2. The capital stock of said company shall consist of five hundred shares, of one hundred dollars each, with the right to increase the same, by a vote of the stockholders, to five thousand shares of like value; the instalment of one-tenth value of each share shall be paid on subscribing to the treasurer of the company, who shall be elected at the first meeting of said corporation, and he shall give his receipt therefor.

Capital stock.

SECTION 3. Said company shall have the right to print, engrave, publish, bind and sell and buy any paper, book or serial, engraving, stereotype, lithograph, or to prepare any printed matter of any kind whatsoever. It shall have the right to issue bonds, secured or not by a mortgage of its real and personal estate, including this franchise: *Provided*, The amount of the same at no time shall be greater than the amount of the capital herein authorized, and that no bonds shall be issued for a period longer than thirty years, and in sums not less than one hundred dollars; and said company shall pay all taxation now imposed by law, unless the same shall be repealed.

Business.

May issue bonds.

SECTION 4. The office of this company may be located at Pottsville, or such other point in the county of Schuylkill as may be determined upon by the directors, or a majority of them, or at such other point as may be decided upon, and it may establish agencies through the state. The affairs of the company shall be managed by a board of directors of five in number, who may or may not fill the offices of president, secretary and treasurer, as may be determined upon by the by-laws of said company. The board of directors shall have the right to make, establish, ordain and set forth such by-laws

Office.

Agencies.

Directors.

By-laws.

Annual election.

Right to receive  
advertisements,  
&c.

as may be determined upon: *Provided*, That they are not inconsistent with the constitution of this state, the United States or with this law. The annual election for officers shall be held on the first Monday of June in each year, and each stockholder shall have one vote for each share held by him. Said company, in addition to these franchises herein conveyed, shall have the right to receive and send advertisements, serials, journals in this and other states, and to guarantee the payment for the same, and to contract for said publications.

APPROVED—The 14th day April, A. D. 1870.

JNO. W. GEARY.

No. 211.

### AN ACT

To incorporate the John Harris Publishing Company.

Corporators.

Title.

Powers and  
privileges.

Capital stock.

Business.

May issue bonds.

Office.

SECTION 1. *Be it enacted, &c.*, That John T. M'Fetridge, L. Sickel, Henry G. Smith, W. P. Schell, William D. Boas and their assigns, associates and successors, be and they are hereby made and created a body politic and corporate, by the name, style and title of the John Harris Publishing Company, with the right to sue and be sued, plead and be impleaded in any courts of law or equity in this commonwealth, to have a common seal, and make, alter or break the same at pleasure, and have and hold all manner and kinds of real and personal estate and mixed, and to purchase, acquire by bequest or in any other lawful manner, and convey the same at pleasure, by sale, gift, transfer or vendue, or any other manner as may be determined upon by the board of directors to be hereafter provided for in this act, and to make such improvements as may be determined upon.

SECTION 2. The capital stock of said company shall consist of five hundred shares, of the value of one hundred dollars each, with the right to increase the same by a vote of the stockholders, to five thousand shares of like value; the instalment of one-tenth of the value of each share shall be paid, on subscribing, to the treasurer of the company, who shall be elected at the first meeting of said corporation, and who shall give his receipt therefor.

SECTION 3. Said company shall have the right to print, engrave, publish, own and sell, and buy any paper, book or serial, engraving, stereotype or lithograph, or to prepare any printed matter of any kind whatever; it shall have the right to issue bonds secured by a mortgage of its real and personal estate, including its franchises: *Provided*, The amount of the same at no time shall be greater than the amount of the capital herein authorized, and that no bond shall be issued for a longer period than thirty years, and in sums not less than one hundred dollars; and said company shall pay all taxation now imposed by law.

SECTION 4. The office of the company shall be located at Highspire, or such other point in the county of Dauphin, as

may be determined on by the directors or a majority of them, or at such other point as may be decided on, and it may establish agencies through the state; the affairs of the company shall be managed by a board of directors, five in number, who may or may not fill the offices of president, secretary and treasurer, as may be determined on by the by-laws of said company; the board of directors shall have the right to make, establish, ordain and set forth such by-laws as may be determined on: *Provided*, That they are not inconsistent with the constitution of the United States or of this state, or with this law; the annual elections for officers shall be held on the first Monday of June in each year, and each stockholder shall have one vote for each share held by him.

Agencies.

Directors.

By-laws.

Annual election.

APPROVED—The 14th day of April, A. D. 1870.

JNO. W. GEARY.

No, 212.

### AN ACT

To incorporate the Safety Insurance Company of Philadelphia.

SECTION 1. *Be it enacted, &c.*, That C. Bartleson, James Giese, Henry Thomason, be and they are created a body politic, by the name, style and title of the Safety Insurance Company, and by such name, style and title, shall have perpetual succession, and shall be capable of suing and being sued, impleading and being impleaded, and of granting and receiving, in its corporate name, property, real, personal and mixed, as may be necessary to properly conduct the business and affairs of said corporation, which business is hereby defined to be the insuring of any and all kinds of property against injury or loss from fire or atmospheric elements, upon such terms as may be agreed upon by the contracting parties.

Corporators.

Title.

Powers and privileges.

SECTION 2. That the said company shall have power to make such by-laws as they may deem proper to enable them to carry out the objects of the corporation, and the same to alter, amend, add to or repeal at their pleasure: *Provided*, That such by-laws shall not be contrary to the constitution of this commonwealth or the provisions of this act, and to adopt a common seal, and the same to alter at pleasure, and to issue certificates of stock in such form and subject to such regulations as they may, from time to time, by their by-laws prescribe, and to regulate and prescribe in what manner their contracts and obligations shall be executed.

By-laws.

Seal.

Certificates of stock.

Contracts and obligations.

SECTION 3. That the capital of said company be fixed at fifty thousand dollars, with power to increase the same, from time to time, when approved by a majority of the stockholders in writing; the principal office of the said company shall be in Philadelphia, with power to establish branch offices wherever deemed necessary.

Capital stock.

Offices.

SECTION 4. That a majority of the corporators named in this act shall elect persons to serve as directors, who shall

Election of directors.

hold their offices until their successors shall have been elected in accordance with the by-laws, and this corporation shall pay into the treasury of the commonwealth such taxes and bonus as are now or may hereafter be required by law.

APPROVED—The 26th day of April, A. D. 1870.

JNO. W. GEARY.

## APPENDIX—1871.

No. 213.

## AN ACT

To incorporate the Bridesburg Bank, located in the Twenty-fifth ward of the city of Philadelphia.

SECTION 1. *Be it enacted, &c.,* That Barton H. Jenks, Isaac Sutvan, O. J. Hinsley, Laban Smith, John Stitt, Ellis Dungan, William Stelle, and their associates and successors, shall be and they are hereby created a body politic and corporate, by the name and style of the Bridesburg Bank, to be located in the Twenty-fifth ward of the city of Philadelphia, and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded, in any court whatsoever, may have a common seal, may renew or alter the same, also may have the right to own and hold real estate and improve or dispose of the same at pleasure.

Name.

Powers and privileges.

SECTION 2. The capital stock of said bank shall consist of five hundred shares, of the value of one hundred dollars each, with the privilege of increasing the same, from time to time, by a vote of the directors, to an amount not exceeding five thousand shares, of like value per share, and when the capital stock is so increased, the stockholders shall have the right to take the shares authorized by such increase at such price as the board of directors may name: *Provided*, That if such shares of new stock are not taken by the stockholders within ten days after receiving notice of such increase, then the board of directors may dispose of such shares of such stock in such manner as they may deem best.

Capital stock.

SECTION 3. The corporators, or a majority of them, shall have power to open books for subscriptions to the capital stock, at such times and places as they may deem expedient; and when two hundred and fifty shares, or more, of said stock shall have been subscribed and fifty per centum thereon of the same paid in, the shareholders may elect a president and six directors, to serve until the next annual election or until their successors shall have been duly elected and qualified; vacancies arising from death, resignation or inability to serve, to be filled by the board.

Subscriptions.

Election of president and directors.

Vacancies.

SECTION 4. The said bank shall have power, and may borrow or lend money for such periods as the said bank may think proper, may discount any bill of exchange, foreign or domestic, promissory note, or other negotiable paper, and shall have the right to hold in trust, or as collateral security for loans or advances or discounts, estates, real, personal or mixed, including the notes, bonds, obligations or accounts of the United States, individuals or corporations, and to purchase, collect and adjust the same, and to dispose thereof for the benefit of the said bank, or for the payment of the debts as security for which the same may be held, in any market

Banking privileges.

of the world, without proceedings in law or equity, and for such price and such terms as may be agreed upon by the said corporation and the parties contracting therewith.

By-laws.

SECTION 5. The board of directors shall make all by-laws necessary for properly conducting the business of the bank not inconsistent with the laws of the state, or of the United States, and shall have power to require payments of any amount remaining unpaid on the stock of said bank at such times, and in such proportions as they think proper, and after thirty days' notice, under penalty, in case of non-payment as required, of forfeitures to the bank of such stock and all previous payments thereon.

Payment of amounts remaining unpaid on stock.

Further banking privileges.

SECTION 6. The said bank may receive money to keep for its depositors, either with or without interest payable thereon, and may buy or sell bullion, buy, sell, draw or negotiate, bills of exchange, bills of lading, stocks and bonds of all companies, states and of the United States, or other good and sufficient securities.

May act as treasurer and financial agent.

SECTION 7. That it shall be lawful for said bank to transact financial business as a natural person, and as such to become and act as a treasurer and financial agent of charitable, literary, manufacturing, financial and religious institutions and corporations, and as financial agent of the state of Pennsylvania and other states, of city governments, and counties and districts, in the management of their business, and shall give security to such institutions, states and governments, for the faithful performance of the duties if required.

Dividends.

SECTION 8. The board of directors shall have power to declare and pay dividends out of the earnings of the bank to the stockholders, at such times and in such amounts as to them may seem proper.

Annual election.

SECTION 9. The annual election for the president and directors shall be on the second Tuesday of January of each year, unless changed by the by-laws of the bank; the directors shall have power to elect all officers or agents they may deem necessary for conducting the business of the bank, except president; stockholders shall be entitled to one vote for each share of stock, and may vote in person or by a written proxy, but said proxy must be dated within six months of and five days prior to the election for which such proxy was given; twenty days' notice by publication in one or more daily newspapers shall be given of the time and place where such election will be held, and said election shall be conducted according to the by-laws.

Officers and agents.

Votes.

Notice of elections.

Bonus and taxes.

SECTION 10. That the said corporation shall pay into the treasury of the commonwealth such bonus and taxes as now or may hereafter be required by law, and this charter shall continue for twenty years.

Limitation.

Individual liability.

SECTION 11. The stockholders shall be individually liable in double the amount of capital stock held by them.

APPROVED—The 21st day of March, A. D. 1871.

JNO. W. GEARY.

No. 214.

## AN ACT

To incorporate the Steuben Iron Company of Centre county.

SECTION 1. *Be it enacted, &c.,* That C. D. Keller, Dr. J. M. Bush, C. F. Alexander, Isaac Lytle, T. N. Wolf, Dr. D. J. Hillibish, S. S. Wolf, their associates, successors and assigns, be and they are hereby created a body corporate and politic, under the name, style and title of the Steuben Iron Company of Centre county, and by said name said corporation and their successors shall have perpetual succession and enjoy all the privileges and franchises incident to a corporation, and as such shall be and is hereby vested with all the rights, powers, privileges, duties and obligations conferred and imposed upon the Caledonia Iron, Land and Railroad Company, by the act of the legislature of Pennsylvania, approved the twenty-second March, Anno Domini one thousand eight hundred and sixty-seven, and the several supplements thereto, except in so far as the same may be altered by this act.

Corporators.

Title.

Powers and privileges.

SECTION 2. That said company shall have authority to hold, not exceeding three thousand acres of land in the county of Centre, and in the adjoining counties, and to construct and operate a railroad or railroads with branches, from any part of their lands, to connect with any other railroad now built, or which may be hereafter built in, through or to said counties.

Power to hold lands, and construct railroads.

APPROVED—The 24th day of May, A. D. 1871.

JNO. W. GEARY.

No. 215.

## AN ACT

To incorporate the Mechanics' Safe Deposit, Trust and Guarantee Company.

SECTION 1. *Be it enacted, &c.,* That J. Jones, J. Kinnear, F. Blair, and all other persons who shall hereafter become stockholders in the company incorporated, shall be a body corporate by the name of the Mechanics' Safe Deposit, Trust and Guarantee Company, and by that name shall have perpetual succession and may sue and be sued in any court whatsoever.

Corporators.

Name.

SECTION 2. That the corporation hereby created shall have power to receive upon deposit for safe-keeping, jewelry, plate, stocks, bonds and valuable property of every kind upon terms to be prescribed by the by-laws of such corporation; and in addition to receiving the above deposits, the said corporation shall have power to receive and hold on deposit and in trust, and as security, on such terms as may be agreed on between the contracting parties, estate, real and personal, and shall have power to dispose of the same according to the terms of such agreement, and also to pur-

Powers and privileges.



chase, collect, adjust, settle, sell and dispose of notes, bonds, obligations and accounts of estates and of individuals, and of companies and of corporations in any place, without proceedings in law or equity and on such terms as may be agreed on between them and the parties contracting with them, and also shall have power to make insurance for the fidelity of persons holding places of responsibility and trust, according to the terms prescribed in the by-laws.

Capital stock.

SECTION 3. The capital stock of said company shall consist of one thousand shares of stock of the value of one hundred dollars each, being one hundred thousand dollars, with the privilege to increase the same, by a vote of the stockholders at an annual or special meeting, to one million of dollars; the incorporators, or a majority of them, named in the first section of this act, shall have power to open books for subscriptions at such times and places as they may deem expedient; and when not less than five hundred shares shall have been subscribed, and ten per centum thereon shall have been paid in, (active business shall not be commenced, however, until at least five thousand dollars have been paid on the capital stock,) the shareholders may elect not less than seven nor more than thirteen directors to serve until the next annual election or until their successors shall be duly elected and qualified; and the directors so elected of said company, when it shall have been organized, may, and they are hereby authorized and empowered to have and to exercise in the name and in behalf of the company, all the rights and privileges which are intended to be hereby given, subject only to such liability as other shareholders are subject to, which liabilities are no more than for the payment to the company of the sums due or to become due on the shares held by them; and should the capital stock at any time be increased, the stockholders at the time of such increase shall be entitled to a *pro rata* share of such increase, upon the payment of the par value of the same.

Subscriptions.

Commencement of business.

Election of directors.

Power and authority of directors.

Right of stockholders in case of increase of capital stock.

Annual election.

President, secretary, &c.

Votes.

Eligibility as directors.

Quorum.

Notice of election.

How election conducted.

By-laws.

SECTION 4. The directors shall be elected annually by the stockholders, on the first Tuesday of July, and they shall elect from their number, at the first meeting of the board after their election, a president and vice president, and shall have power to elect a treasurer and a secretary, and such other officers, clerks and agents, as the business of the company may require; all elections for directors shall be by ballot, and every stockholder shall be entitled to one vote for each share of stock held by him; but no person shall be eligible as a director who is not a stockholder to the amount of ten shares; at the annual or special meetings, a quorum shall consist of stockholders owning at least one-third of the capital stock.

SECTION 5. Ten days' notice shall be given by publication, in two newspapers published in the city of Philadelphia, of the time and place of the annual election, which election shall be conducted by three stockholders, one of whom shall act as judge and the other two as inspectors.

SECTION 6. The board of directors shall make all by-laws necessary for conducting the business of the company, which

by-laws shall at all times be accessible to all persons transacting business with them; the directors shall have power to require payment of the amount remaining unpaid on the stock of said company, at such times and in such proportions, and in such manner as they shall think proper, and under the penalty, in case of non-payment as required, of forfeiture to the company of such stock and all previous payments thereon: the assessments to be made as the by-laws of the said company shall direct.

Payment of  
amounts remaining  
unpaid on stock.

APPROVED—The 27th day of May, A. D. 1871.

JNO. W. GEARY.

No. 216.

### AN ACT

To incorporate the Germania Bank, located in the city of Philadelphia.

SECTION 1. *Be it enacted, &c.,* That Frederick Tiedemann, W. Schwaabe, Herman Albrecht, John Miller, F. B. Kermer, W. D. Herman, A. C. Crowford, their proxies, assigns, associates and successors, shall be and they are hereby created a body politic and corporate, by the name and style of the Germania Bank, to be located in the city of Philadelphia, and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded in any court whatsoever, may have a common seal, may renew or alter the same, also may have the right to own and hold real estate and improve or dispose of the same at pleasure.

Name.  
Powers and  
privileges.

SECTION 2. The capital stock of said bank shall consist of five hundred shares of the value of one hundred dollars each, with the privilege of increasing the same from time to time, by a vote of the directors, to an amount not exceeding ten thousand shares of like value per share; and when the capital stock is so increased, the stockholders shall have the right to take the shares authorized by such increase, at such price as the board of directors may name: *Provided*, That if such shares of new stock are not taken by the stockholders, within ten days after receiving notice of such increase, then the board of directors may dispose of such shares of such stock in such manner as they may deem best.

Capital.  
Increase.

Taking of new  
stock, relative to.

SECTION 3. The corporators, or a majority of them, shall have power to open books for subscriptions to the capital stock at such times and places as they may deem expedient; and when two hundred shares, or more, of said stock shall have been subscribed, and fifty per centum thereon of the same paid in, the shareholders may elect a president and six directors, to serve until the next annual election or until their successors shall have been duly elected and qualified; vacancies arising from death, resignation or inability to serve to be filled by the board, who may, from time to time, be increased by a vote of the stockholders to a number not exceeding twenty.

Corporators may  
open books for  
subscription.

When directors  
may be elected.

Business.

**SECTION 4.** The said bank shall have power and may borrow or lend money for such periods as the said bank may think proper, may discount any bill of exchange, foreign or domestic, promissory note or other negotiable paper, and the interest may be received in advance, at such rates as may be agreed upon by the parties, and shall have the right to hold in trust, or as collateral security for loans or advances, or discounts, estate, real, personal or mixed, including the notes, bonds, obligations or accounts of the United States, individuals or corporations, and to purchase, collect and adjust the same, and to dispose thereof, for the benefit of the said bank, or for the payment of the debts as security for which the same may be held, in any market of the world, without proceedings in law or equity, and for such price, at legal rates of interest.

By-laws.

**SECTION 5.** The board of directors shall make all by-laws necessary for properly conducting the business of the bank, not inconsistent with the laws of the state or of the United States, and shall have power to require payments of any amount remaining unpaid on the stock of said bank, at such times and in such proportions as they think proper, and after thirty days' notice, under penalty, in case of non-payment as required, of forfeiture to the bank of such stock and all previous payments thereon.

Penalty for non-payment of stock.

May receive deposit, buy and sell stocks, &amp;c.

**SECTION 6.** The said bank may receive money to keep for its depositors, either with or without interest payable thereon, and may buy or sell bullion, buy, sell, draw or negotiate bills of exchange, bills of lading, stocks and bonds of all companies, states and of the United States, or other good and sufficient securities, at such rates of interest as may be agreed upon by said bank and the borrowers.

May become financial agent.

**SECTION 7.** That it shall be lawful for said bank to transact financial business as a natural person, and as such to become and act as a treasurer and financial agent of institutions and corporations, and as financial agent of the state of Pennsylvania and other states, of city governments and counties and districts, in the management of their business, and shall give security to such institutions, states and governments, for the faithful performance of the duties, if required.

Dividends.

**SECTION 8.** The board of directors shall have power to declare and pay dividends out of the earnings of the bank to the stockholders, at such times and in such amounts as to them may seem proper.

Annual election.

**SECTION 9.** The annual election for the president and directors shall be on the second Tuesday of January of each year, unless changed by the by-laws of the bank; the directors shall have power to elect all officers or agents they may deem necessary for conducting the business of the bank, except president; stockholders shall be entitled to one vote for each share of stock, and may vote in person or by a written proxy, but said proxy must be dated within six months of and five days prior to the election for which such proxy was given; twenty days' notice by publication in one or more daily newspapers shall be given of the time and

place where such election will be held, and said election shall be conducted according to the by-laws.

**SECTION 10.** That the said corporation shall pay into the treasury of the commonwealth such bonus and taxes as now or may hereafter be required by law, and this charter shall continue for twenty years. Bonus and taxes.

**SECTION 11.** That the stockholders shall be personally liable in double the amount of stock held by them. Personal liability.

**APPROVED**—The 2d day of June, A. D. 1871.

JNO. W. GEARY.

## APPENDIX—1872.

No. 217.

## AN ACT

To incorporate the American Immigration and Land Company.

Corporators.

SECTION 1. *Be it enacted, &c.*, That Richard Church, Edward M. Clymer, Amos N. Meylert, Max Goepp and G. H. Goundie, and their associates and successors, are hereby created a body politic and corporate, by the name, style and title of the American Immigration and Land Company, and by that name shall have succession and may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and may make and use a common seal.

Title.

Privileges.

Objects, purposes and powers.

SECTION 2. That the objects, purposes and powers of this corporation are hereby declared to be as follows, namely: To stimulate, promote and encourage immigration to the United States by a systematic diffusion throughout Europe of reliable information relating to the various sections of the United States, the various interests and industries thereof, the character, capabilities, resources, attractions and advantages of all unsettled or unoccupied lands of the several states and territories, and of each separate state and locality; to aid and assist immigrants in the selection of and settlement upon such lands as they may desire, and to guarantee the titles of said lands; to aid individual immigrants and colonies, in every proper and effective manner, in providing the necessary means for transporting them, their baggage, chattels and effects, cheaply and speedily from Europe to the place of their final destination, caring for them and protecting them and their effects while en route against imposition and fraud, and securing to them all their legal rights and privileges; to assist them to establish themselves in the various branches of industry and to act as their general and financial agents, and said corporation may act as the agent of any corporation or company, or of any person or persons, for the lease, sale or settlement of lands, the transportation of passengers, baggage, chattels and effects, or for such other service as may be beneficial to immigrants or immigration.

Capital stock.

SECTION 3. That the capital stock of said corporation shall be two hundred thousand dollars, divided into two thousand shares of one hundred dollars each, which shall be called in and paid in such payments or instalments as the board of directors of said company may require, and under such regulations as the company may adopt, and the said capital stock may be increased, from time to time, if deemed necessary by the stockholders to carry out the objects and purposes of the corporation: *Provided*, Said increase of stock shall not exceed five hundred thousand dollars.

**SECTION 4.** The corporators named in this act shall meet at such time and place as a majority of them shall agree upon, and shall open books for subscription to the capital stock of the company; and when the capital stock is fully subscribed the stockholders shall meet and organize the company by an election of the board of directors from among the stockholders, to consist of not less than seven nor more than thirteen, to serve until others are elected or chosen under the provisions of the by-laws of the company; the board of directors shall be elected annually, from among the stockholders, and shall have the general charge of the management of the business and affairs of the company; they shall elect a president from among their number, and shall elect or appoint a treasurer, secretary and all other officers and agents of the company; they shall make by-laws, not inconsistent with the laws of this state, for the regulation of the affairs of the company and for the issue and transfer of its stock, which by-laws shall be subject to the approval of the stockholders.

Subscriptions.

Election of directors.

President, treasurer, &amp;c.

By-laws.

**SECTION 5.** That said company may establish offices and agencies for the transaction of their business, in such states and territories, and at such cities and towns, as they may deem necessary.

Offices and agencies.

APPROVED—The 4th day of April, A. D. 1872.

JNO. W. GEARY.

No. 218.

### AN ACT

To incorporate the Tylersburg Railroad and Coal Company.

**SECTION 1.** *Be it enacted, &c.,* That H. J. Miller, Erastus Barnes, K. L. Blood, J. L. Brown, P. J. Falconer, J. Jones, Isaac M. Bodine and F. H. Couse, or any seven of them, be and they are hereby appointed commissioners to open books and receive subscriptions, and organize a company by the name, style and title of the Tylersburg Railroad and Coal Company, with all the powers and subject to the provisions of an act, entitled "An Act regulating railroad companies," approved the nineteenth day of February, one thousand eight hundred and forty-nine, and the several supplements thereto, except so far as is otherwise provided by this act.

Commissioners.

Title.

Subject to.

**SECTION 2.** The board of managers of said company shall consist of a president, vice president, and seven directors.

Managers.

**SECTION 3.** The capital stock of this company shall consist of five hundred shares, of one hundred dollars each, and the company may, from time to time, by a vote of a majority of the directors, at a meeting called for that purpose, increase their capital stock to such an amount as in their opinion may be necessary to complete and equip the said road, and carry out the true intent and meaning of this act.

Capital stock.

**SECTION 4.** That the said Tylersburg Railroad and Coal Company is hereby authorized and empowered to build, con-

Authorized to construct railroad.

	struct and equip a single or double track railroad, from a convenient point on the Philadelphia and Erie railroad, between the borough of Warren, Warren county, and Ridgway, Elk county, to Tylersburg, Clarion county, or some point adjacent thereto, as may be decided by the directors of said company, and to build branch roads to the coal fields in any of the counties of Forest, Elk, Clarion or Jefferson, and counties through which said road may pass, not exceeding twenty miles in length for any one branch, and to cross any and all railroads at grade, or pass over or under, in such manner as not to interfere with said roads so crossed in any way.
Branches.	
Right to cross other roads, &c.	
Power to hold lands, lease, mine, &c.	SECTION 5. That the said Tylersburg Railroad and Coal Company shall have power to hold by purchase or lease, not exceeding five thousand acres of land, in any of the counties of Warren, Forest, Elk, Clarion or Jefferson, at any one time, and to lease for mining, and to mine and transact the usual business of railroads and coal companies.
May borrow money and issue bonds.	SECTION 6. That the said company may, at any time, borrow such amounts of money as they may deem necessary to carry out the purposes of this act, and to issue bonds, with or without coupons therefor, in sums of not less than fifty dollars each, payable at such times and on such terms, and at such rate of interest as they may deem proper, and dispose of the same on such terms as may be advisable, and may secure the payment thereof by mortgage or mortgages upon said road or its branches, the rolling stock, franchises or any property of said company whatsoever.
Corporators to become directors.	SECTION 7. That the corporators herein named shall become directors of said company, with power to elect a president, secretary and treasurer from their number, and so remain and continue to act as such until their successors are elected and qualified as directed by law; and annually thereafter the stockholders shall, on such notice as the directors deem necessary to prescribe, elect by ballot a president and seven directors, who shall continue in office until their successors shall be elected; each stockholder to have a right to one vote or ballot for every share of stock he or she may hold, and may deposit the same by proxy duly executed to any attorney or stockholder that may be present on such day or days of election hereby authorized and appointed are held, and at such place as the company may select: <i>Provided</i> , That said company shall pay into the treasury of the commonwealth such bonus and taxes as are now or may hereafter be required by law.
Annual election.	
Votes.	
Bonus and taxes.	

APPROVED—The 4th day of April, A. D. 1872.

JNO. W. GEARY.

## APPENDIX—1873.

No. 219.

## AN ACT

**Authorizing directors of railroad companies to elect vice president.**

**SECTION 1.** *Be it enacted, &c.,* That it shall be lawful for the directors of any railroad company, incorporated by the laws of this commonwealth, to elect from among their number a vice president or vice presidents and prescribe their duties.

APPROVED—The 5th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 220.

## AN ACT

**Supplementary to an act, entitled “An Act to extend the competency of persons to be witnesses in certain criminal cases.”**

**SECTION 1.** *Be it enacted, &c.,* That the act, entitled “An Act to extend the competency of witnesses in criminal cases not above the grade of misdemeanors,” approved the third day of April, one thousand eight hundred and seventy-two, be and the same is hereby so amended and construed as to extend to the class of witnesses therein named the privilege of testifying in all courts of criminal jurisdiction.

APPROVED—The 20th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 221.

## AN ACT

**Enabling defendants in contested judgments to pay money into court and relieve real estate from the lien thereof.**

**WHEREAS,** Judgments are frequently obtained or entered Preamble.  
by confession, default and otherwise, for more than is justly due:

*And whereas,* The same are frequently opened by the court, and the parties defendant let into the defence:

*And whereas,* The proceedings to determine the rights of the parties therein are often protracted, during which time the fee, alienation and conveyance of said defendant's real estate is embarrassed and hindered, although it may be of many times the value of said judgment, by reason of the lien of said judgment continuing to bind:



*And whereas,* The courts have not the power to grant relief in such cases; therefore,

Defendants in contested judgments enabled to pay money into court.

SECTION 1. *Be it enacted, &c.,* That in all cases where judgment has been, or shall be hereafter obtained and entered of record in any court of this commonwealth, by confession, default or otherwise, and proceedings concerning the same are pending to open or annul the same, and are not finally disposed of, it shall be lawful for the defendant or defendants therein, or any of them, with leave of said court in which said proceedings are pending, to pay into said court such amount as shall be deemed by said court sufficient to cover the amount of said judgment, with interests and probable costs, to abide the final determination of the rights of the said parties to the proceedings pending as aforesaid; the said money to be subject to the order of said court, and placed at interest, if practicable, for the benefit of the interested parties.

To be subject to order of court.

Amount adjudged due plaintiff, to be paid out of such money.

SECTION 2. And whatever amount, if any, shall be finally adjudged due the parties, plaintiff in said judgment, with costs, shall be paid to them by order of said court out of the sum of money, with its accumulations, thus paid into court; and any balance, after the payment of costs due by said defendant, remaining in said court, and after any such payment as aforesaid, shall be returned to said defendant.

Balance to be returned to defendant.

On payment into court, real estate to be discharged from lien of judgment.

SECTION 3. And upon the payment of such amount as the court shall direct into court as aforesaid, all the real estate of said defendant or defendants making said payments into court as aforesaid, shall be freed and forever discharged from the lien, effect and operation of said judgment, and of and from all and all manner of process or execution issued or to be issued thereon, in any manner or wise affecting the same.

Duty of prothonotary.

SECTION 4. And it shall be the duty of the prothonotary or clerk of said court, upon such payment into court as aforesaid, to mark upon the judgment docket of said court, lien discharged.

APPROVED—The 20th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 222.

AN ACT

To regulate the commission or license fee to be paid by auctioneers.

SECTION 1. *Be it enacted, &c.,* That from and after the first day of May next, auctioneers shall be rated with merchandise brokers, and in lieu of all commissions heretofore directed to be paid by them, shall pay, in the same manner as brokers, a license tax similar to that paid by said brokers, and no other: *Provided,* That no auctioneer's license shall be issued for the city and county of Philadelphia for a less sum than five hundred dollars, and all former laws or parts

of laws at variance with this act, or prescribing other forms, shall be and are hereby repealed.

APPROVED—The 26th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 223.

## AN ACT

To establish an additional state hospital for the insane.

SECTION 1. *Be it enacted, &c.*, That the governor shall appoint three commissioners to select a site and build a hospital for the insane of the north-western district of the state, composed of the counties of Erie, Crawford, Mercer, Venango, Warren, M'Kean, Elk, Forest, Cameron and Clarion; that said commissioners shall not receive any compensation for the services herein imposed upon them, except the actual traveling expenses incurred in the discharge of their duties; nor shall said commissioners be concerned, in any way, in any contract for the erection of said building or for furnishing supplies of any kind for the same.

Governor to appoint commissioners.

Not to receive compensation or be interested in contracts.

SECTION 2. The said commissioners shall select and purchase, within ninety days of the date of their appointment, in the name of the commonwealth, a farm or tract of land of not less than two hundred and fifty acres; the said farm or tract shall be good arable land with an adequate supply of pure water and large facilities for drainage from the buildings; the property shall be within a convenient distance from some town and easy of access by railroad. The farm or tract so selected shall be approved by the governor, in writing, before the purchase money shall be paid; but nothing herein contained shall prevent said commissioners from receiving a deed, in fee, for any lands donated for the purpose aforesaid.

To select and purchase farm.

SECTION 3. The said commissioners shall have power to select and appoint a gentleman of thorough medical education, familiar with the treatment of the insane, who together with themselves, shall prepare a plan of the proposed hospital, and superintend its erection; the said plan shall be drawn out in detail by a competent architect, employed by said commissioners, and the physician so appointed and selected by them, which said plan shall be in strict accordance with the propositions on construction of hospitals for the insane, adopted by the association of medical superintendents of American institutions for the insane, and be approved by the governor, or such experts as he may select for deciding upon the propriety of the same; and no changes shall be made in said plan to materially affect its general character, without consent of the governor and said experts in writing.

To select physician, prepare plan, and superintend erection.

SECTION 4. The commissioners shall fix the salary of the medical gentleman herein provided for as superintendent, during the time he is engaged in connection with themselves in directing and attending to the erection of the building, as also of the architect and all others whose services may be required in the proper construction of the same.

To fix salary of physician, architect, &c.

Appropriation.

SECTION 5. To enable said commissioners to purchase the farm and make all necessary preparations for the building provided for herein, the sum of one hundred thousand dollars is hereby appropriated.

To erect building as early as possible.

SECTION 6. The said commissioners and physician shall proceed to erect said building and complete the same, at as early a period as possible, compatible with the perfection or skillful execution of the same, and make report to the board of public charities of the amount of money expended by them, and progress made in the erection of the building.

Report to board of public charities.

APPROVED—The 14th day of August, A. D. 1873.

J. F. HARTRANFT.

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No. 224.

### AN ACT

To incorporate the Little Lehigh Railroad Company.

Corporators.

SECTION 1. *Be it enacted, &c.*, That Charles W. Cooper, Henry Schnurman, T. H. Good, C. J. Erdman, Charles H. Ninison, H. I. Schants, H. H. Fisher, of the city of Allentown, Lehigh county, Solomon Greisimer, of South White Hall township, in said county, and such other persons as shall become shareholders, be and they are hereby incorporated into a body corporate in deed and in law, under the name, style and title of the "Little Lehigh Railroad Company," with all the powers and subject to all the provisions and restrictions of the act, entitled "An Act regulating railroad companies," approved the nineteenth day of February, one thousand eight hundred and fifty-nine, except so far as the same may be inconsistent with the provisions of this act: *Provided*, That the managers shall consist of a president and six directors, a majority of whom shall form a quorum.

Time.

Subject to.

Managers.

Capital stock.

SECTION 2. That the capital stock of said company shall consist of ten thousand shares of fifty dollars each: *Provided*, That the said company may, from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete said road and to carry out the true intent and meaning of this act, not exceeding ten thousand additional shares.

Right to construct railroad.

Route.

SECTION 3. That the said company shall have the right to build and construct a railroad from a point at or near the junction of the Lehigh Valley railroad and East Pennsylvania railroad, in the county of Lehigh, and by the best and most practicable route along the valley of the Little Lehigh river and Cedar creek, to any point in the township of Upper Macungie, in said county of Lehigh, as also from the confluence of the Jordan creek and the said Little Lehigh river, in said county of Lehigh, by the best and most practicable route, by way of said Jordan creek, to the Blue Mountain, in said county of Lehigh, with the privilege of connecting with any railroad now built, or which shall hereafter be

built, in said county of Lehigh; and also to construct branch <sup>Branches.</sup> roads, not exceeding six miles in length from their main line, to accommodate the owners of ore lands.

SECTION 4. That the president and directors of said company are hereby authorized and empowered to issue, sell and transfer the capital stock of said company, and to apply the proceeds thereof to the construction of the railroad authorized by this act, and the cars, engines, buildings, and other appurtenances necessary for the transportation of passengers, ore and other commodities, and to borrow such sums of money as they may deem necessary for the purposes aforesaid, not exceeding the amount of the capital stock, at a rate of interest not exceeding seven and three-tenths per cent. per annum, and to issue their bonds and obligations for the same in sums of not less than one hundred dollars each, and to mortgage the road, property and franchises of the company as security therefor. <sup>Issue, sale, &c., of stock.</sup> <sup>May borrow money and issue bonds.</sup>

SECTION 5. The road to be commenced within two years <sup>Commencement and completion.</sup> and finished within ten years.

APPROVED—The 6th day of March, A. D. 1873.

J. F. HARTRANFT.

No. 225.

#### AN ACT

Authorizing Angeline M'Murtrie, to adopt John M'Murtrie, Jr., as her heir.

WHEREAS, Angeline M'Murtrie, of Findley township, Allegheny county, is desirous of adopting John M'Murtrie, Jr., of said township, as her heir, and said John M'Murtrie is over the age of twenty-one years; therefore,

SECTION 1. *Be it enacted, &c.,* That John M'Murtrie, junior, of the township of Findley, in the county of Allegheny, be and he is hereby made the heir at law of Angeline M'Murtrie, and capable of inheriting the estate and property of said Angeline M'Murtrie, as fully to all intents and purposes as if he had been begotten of her in lawful wedlock.

APPROVED—The 6th day of March, A. D. 1873.

J. F. HARTRANFT.

No. 226.

#### AN ACT

To incorporate the Wyoming and Sullivan Railway Company.

SECTION 1. *Be it enacted, &c.,* That B. M. Stone, Wm. M. Piatt, G. E. Palen, Samuel Stark, C. P. Miller, A. B. Mott, William Thomson, Frank C. Bunnell, Allen Wood, P. C. Burns, Leander Harding, Thomas May, C. Deitrick, Henry Evans, O. S. Mills, William S. Grant, J. E. Patterson, R. <sup>Commissioners</sup>

Title.	<p>Bruce Rickets, B. F. Blakeslee, P. M. Osterhout, and others who may become associated with them, or any three of them, be and they are hereby appointed commissioners to open books, receive subscriptions of stock, and organize a company, by the name, style and title of the Wyoming and Sullivan Railway Company, with all the powers and subject to all the provisions of an act, entitled "An Act regulating railroad companies," approved the nineteenth day of February, one thousand eight hundred and forty-nine, and the supplements thereto, except so far as herein otherwise provided.</p>
Subject to.	
Capital stock.	<p>SECTION 2. That the capital stock of said company shall be two hundred thousand dollars, in four thousand shares of fifty dollars each.</p>
Construction of railroad authorized.	<p>SECTION 3. That the said company shall have the right to build and construct a single or double track railroad, from some point near Tunkhannock, in the county of Wyoming, Pennsylvania, to connect with the Pennsylvania and New York Canal and Railroad Company, at or near the above named place, and to run thence south-westwardly, along Bowman's creek in the counties of Wyoming, Sullivan and Luzerne, to some point at or near Long Pond, Luzerne county, Pennsylvania, connecting with a road in contemplation to that point.</p>
May increase capital stock.	<p>SECTION 4. The said company may, from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase the capital stock to so much as in their opinion may be necessary, not exceeding one million of dollars, to complete and equip the said road, and carry out the true intent and meaning of this act; and the stock that shall be so issued on said increase, shall stand in all respects upon the footing of the original stock thereof; and the said company shall be and are authorized to borrow money, at the rate of five thousand dollars per mile of completed road, and issue their bonds therefor, in sums not less than one hundred dollars each, bearing any rate of interest not exceeding seven per centum per annum, and secure the payment of the principal and interest thereof, by a mortgage or mortgages upon the road, property and franchises of said company.</p>
Borrow money and issue bonds.	
Damages.	<p>SECTION 5. That in any case where the owners of land and materials are minors, it shall and may be lawful for the guardians of such owners and the said company, amicably to adjust the amount of damages to be paid if they can agree, and on payment of the amount, it shall be lawful for such guardians to release the said company from all claims therefor, and execute all necessary papers in the premises; in case the said parties cannot agree the said company may proceed as under the provisions of the general railroad law of one thousand eight hundred and forty-nine, and supplements thereto, in case of disagreement with owners.</p>
Commencement of road.	<p>SECTION 6. That said road shall be commenced within five years from date of this act.</p>

APPROVED—The 10th day of March, A. D. 1873.

J. F. HARTRANFT.

## No. 227.

## A SUPPLEMENT

To the act, entitled "An Act to incorporate the Johnstown and Somerset Railroad Company," approved April thirteenth, eighteen hundred and sixty-eight.

**SECTION 1.** *Be it enacted, &c.,* That the time during which the Johnstown and Somerset Railroad Company may commence the construction of the said railroad is extended to two years from the date of the passage of this act, and the time during which the said company may complete the said railroad is extended to five years from the date of the passage of this act; and the seventh section of the act incorporating the said company, approved the thirteenth day of April, Anno Domini one thousand eight hundred and sixty-eight, is hereby repealed.

Time to commence and complete road, extended.

**SECTION 2.** That any corporation organized by or under the laws of this commonwealth, may subscribe for and hold stock in the Johnstown and Somerset Railroad Company, or purchase the bonds which the said company may have lawful authority to issue.

Corporations may subscribe to stock, &c.

**SECTION 3.** That all acts or parts of acts inconsistent herewith are hereby repealed.

Repeal.

APPROVED—The 12th day of March, A. D. 1873.

J. F. HARTRANFT.

## No. 228.

## AN ACT

Relating to the Blair Iron and Coal Company, authorizing the holding of additional lands, to borrow money and issue bonds, and extending the term of their charter.

**SECTION 1.** *Be it enacted, &c.,* That the Blair Iron and Coal Company shall have the right to purchase and hold in in the county of Blair and in adjoining counties, either in fee simple or for any less estate, such additional mineral and timber lands, not to exceed five thousand acres, and to erect thereon furnaces and other buildings and improvements.

May hold additional lands.

**SECTION 2.** That the said company may borrow money and create indebtedness in such ways as the board of directors may deem necessary for the prosecution and management of the company's business, and issue bonds therefor, bearing such rate of interest not exceeding seven per centum as the board may determine, secured by mortgage on all or any portion of the real and personal estates and franchises of said company, and may sell and dispose of the said bonds and securities in such manner and at such prices as the said board may direct; and it shall be lawful for any mining, manufacturing or railroad company incorporated under the laws of this commonwealth, to purchase the said bonds and

May borrow money and issue bonds.

securities or guarantee the same: *Provided*, That the bonds hereby authorized shall not exceed the sum of five hundred thousand dollars.

Charter extended.

SECTION 3. All the powers, rights and privileges heretofore enjoyed by or hereby granted to this company shall continue until altered, revoked or annulled according to law by the general assembly of this commonwealth.

APPROVED—The 13th day of March, A. D. 1873.

J. F. HARTRANFT.

No. 229.

# AN ACT

Establishing a ferry across French creek, at the foot of South Park street, in the city of Franklin, Venango county.

Ferry authorized.

SECTION 1. *Be it enacted, &c.*, That J. W. Rowland and E. W. Smiley, of the city of Franklin, Venango county, their heirs and assigns, shall have the right and privilege at their own proper cost, to make good and convenient landings on each side of French creek, at the foot of South Park street, in the city of Franklin, said county, and to use said stream at said point for a public ferry; and said J. W. Rowland and E. W. Smiley, shall have the right to extend a rope or wire across the creek if they shall deem it necessary or advisable to facilitate crossing: *Provided*, That said rope or wire shall not obstruct the navigation of said stream: *Provided also*, That said J. W. Rowland and E. W. Smiley shall pay to the owners of any private property taken all damages which may accrue to said owners by reason thereof, which shall be assessed by three persons appointed by the judges of the court of common pleas of said county, and their report and proceedings shall be the same in every case as in the case of the opening of roads under existing laws.

Right to extend wire across creek.

Damages.

Good boats and careful ferrymen to be provided.

SECTION 2. That the said J. W. Rowland, E. W. Smiley, their heirs and assigns, shall provide good and substantial boats and flats, and careful ferrymen, who shall, as occasion may require, attend for the purpose of transporting travelers and others across said stream.

Tolls.

SECTION 3. The said J. W. Rowland, E. W. Smiley, their heirs or assigns, for keeping and maintaining the said landing and ferry as aforesaid, shall receive a compensation from persons passing over said stream at such ferry, at the following rates, to wit: For each foot person, five cents; for each person and horse, ten cents; for each one-horse carriage, twenty cents, for each two-horse carriage or wagon, twenty-five cents; for each four-horse wagon thirty-five cents, for each additional horse, five cents; for each head of horned or neat cattle, led or driven, three cents; for each head of sheep swine, led or driven, one cent, and for each yoke of oxen ten cents.

SECTION 4. Any person or persons who may wilfully pull down, cut, break or in any way injure or destroy any

post, rope, wire, chains, boats or other property belonging to said ferry, he or she or they so offending shall each and every one of them forfeit and pay to the said J. W. Rowland, E. W. Smiley, their heirs or assigns, the sum of fifteen dollars, in addition to all damages sustained by said proprietors, to be recovered as debts of like amount are now by law recoverable. Injuries to ferry, how punishable.

SECTION 5. That no person or persons shall be permitted to keep a public ferry within the distance from the Upper French Creek bridge to the north of said stream, within said city, except said proprietors. Prohibition.

SECTION 6. That the provisions of this act, and the privileges hereby granted, shall extend to and continue in force only until such times as the bridge across said stream, at the foot of said street, recently washed away, be replaced by another bridge. Limitation.

APPROVED—The 25th day of March, A. D. 1873.

J. F. HARTRANFT.

No. 230.

# AN ACT

'To incorporate the Harrisburg Odd Fellows' Life Insurance Company.

SECTION 1. *Be it enacted, &c.,* That John J. Clyde, Joseph H. Nisley, Levi Wolfinger, Washington Sturgeon, Henry Dickman, Nelson T. Wood, Solomon Oppenheimer, M. W. M'Alarney, Robert A. Lamberton, and all persons who are now or may hereafter become associated with them, and their successors, be and they are hereby made and created a corporation or body politic, by the name and style of the Harrisburg Odd Fellows' Life Insurance Company, with their principal office in the city of Harrisburg, Pennsylvania, and by that name shall have perpetual succession, shall have power to make by-laws for the government of the company: Corporators.  
*Provided,* They are not inconsistent with the constitution and laws of the United States, the constitution and laws of the state of Pennsylvania, and the charter hereby granted, shall have a corporate seal, and be able to sue and be sued, plead and be impleaded in all courts of record and elsewhere, to receive, collect and invest all moneys belonging to the association in stocks, bonds, mortgages or other securities as the said corporation, their successors or assigns may deem proper, for the benefit of the said company, and to sell and reinvest the same according to this charter and the laws of the state: *Provided,* That at no time shall the money, personal property or securities exceed the sum of ten thousand dollars. Name. Office. Powers and privileges.

SECTION 2. That the said company shall have power to issue life insurance policies, upon the terms and conditions of this charter and the by-laws to be adopted under it, to all members of the Independent Order of Odd Fellows. Power to issue policies.



Officers.

SECTION 3. The officers shall be a president, vice president, secretary, treasurer, and a board of directors consisting of one member from each lodge in Dauphin county represented in the company, and five members from the county at large, and that every lodge located without the said county shall be entitled to one director in said company, when ten of its members shall have become policy holders; that the president shall be *ex-officio* one of the directors; that the said officers shall be elected for one year, or until their successors shall have been elected as the by-laws shall provide, and they shall perform such services and receive such compensation as may be therein provided.

Qualifications  
requisite to obtain  
insurance.

SECTION 4: The qualifications requisite to obtain insurance in said company shall be: First, the applicant must be a member in good standing of a lodge of the Independent Order of Odd Fellows; second, his application must be approved by a majority of the committee on applications; third, that he pay into the treasury, with his application, such sum or sums of money, and upon the death of any policy holder, such further sum of money, and in such manner as the by-laws of the company shall prescribe.

When policies to  
become void.

SECTION 5. That all policies shall become void, first, upon the failure of the holder thereof to pay the assessments as required by the by-laws; second, by perpetrating any fraud upon the company; third, by purloining any of its property, or by embezzeling, or refusing or failing to pay over any of its funds, or to surrender the same when demand made by the proper officers.

Payment on death  
of members.

SECTION 6. That upon the death of any member of the company there shall be paid to his legal representative or representatives, or the person to whom it shall be directed in the policy, out of the treasury thereof, within thirty days after the proof of death being made, a sum of money equal to one dollar for each and every member of the company at the time of such death, and that the by-laws shall provide the mode of proof of death, and the manner and by whom such payment shall be made.

APPROVED—The 27th day of March, A. D. 1873.

J. F. HARTRANFT.

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No. 231.

AN ACT

To incorporate the West Penn Coal Company.

Corporators.

SECTION 1. *Be it enacted, &c.*, David R. Jones, Samuel P. Hutchinson, Benjamin DeCasseres, M. A. Mitchell, Abraham Alburger, and such other persons as shall be associated with them, and their successors, be and the same are hereby incorporated into a body corporate and politic, by the name and style of the West Penn Coal Company, and the capital stock of said company shall consist of two thousand shares at one hundred dollars each; and said company may, from

Name.

Capital stock.

time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital stock to an amount not exceeding ten thousand shares additional.

SECTION 2. That the affairs of said company shall be managed by a board of five directors, one of whom shall be president, who shall be chosen by the stockholders; all elections shall be by ballot, and every share of stock subscribed and paid in shall entitle the holder to one vote. Management.  
Election.

SECTION 3. That the corporation shall have and use a common seal and the right to change, alter or annul the same at pleasure, and by the style and title aforesaid shall be capable in law to sue and be sued in the several courts of this commonwealth, and may use all needful rules and regulations and by-laws for the well-ordering of business and affairs of the corporation, so that the same shall not conflict with the laws or constitution of this state or of the United States. Privileges.

SECTION 4. That said corporation is hereby authorized to receive in payment of subscription to their capital stock, any lands situated in Elk and M'Kean counties, not exceeding two thousand acres in quantity, and to hold, lease, mortgage and sell the same. May receive lands in payment of subscriptions.

SECTION 5. That said corporation is hereby authorized to erect buildings and machinery to obtain and make available the minerals and other products of said lands, and to prepare for market and sell the same; to make any lateral railroad not exceeding ten miles in length connecting their property with any railroad now built or hereafter built. Erect buildings and machinery.  
Make lateral railroads.

SECTION 6. That said company be and they are hereby authorized to borrow money to an amount not exceeding one-half of the capital stock, upon the bonds of said company, secured by one or more mortgages upon so much of the corporate property and franchises as shall be deemed adequate security for the same, whenever the president and directors of said company shall deem the issue of such bonds expedient for the interests of said corporation: *Provided*, That the rate of interest of such bonds shall not exceed seven per centum per annum; and that no bonds shall be issued for a less sum than one hundred dollars. Borrow money on bonds.

SECTION 7. That the corporation shall pay into the treasury of the commonwealth a bonus of one-half of one per centum of the capital stock hereby authorized or hereafter created, in four equal annual instalments, and such taxes on dividends as is or may be provided by law; and the stockholders of said company shall be individually liable for all debts due mechanics, workmen and laborers employed by said company, and for all materials and provisions furnished to said company, to be sued for and collected as provided in the twelfth, thirteenth and fourteenth sections of an act incorporating the Lackawanna Coal and Iron Company, approved fifth day of April, one thousand eight hundred and fifty-three. Bonus and taxes on dividends.  
Individual liability.

APPROVED—The 27th day of March, A. D. 1873.

J. F. HARTRANFT.

No. 232.

## AN ACT

To incorporate the Mifflinburg Bank.

Corporators.	SECTION 1. <i>Be it enacted, &amp;c.</i> , That S. S. Barber, James Chambers, J. D. S. Gast, R. V. Glover, I. E. Herr, George W. Himmelreich, R. V. B. Lincoln, Daniel Long, B. W. Thompson, Valentine Walter, H. G. Wolf, and their successors, shall be and they are hereby created a body politic and corporate, by the name and style of the Mifflinburg Bank, to be located in the borough of Mifflinburg, Union county, and by that name shall have perpetual succession, and may sue and be sued in any court whatever, and may have a common seal.
Capital stock.	SECTION 2. The capital stock of said company shall consist of one thousand shares, of the value of fifty dollars each, with the privilege of increasing the same by a vote of the stockholders to four thousand shares of the like value per share, and when the capital stock is so increased, the stockholders shall have the right to take the shares authorized by such increase at such price as the board of directors may name: <i>Provided</i> , That if such shares of new stock are not taken by the stockholders within fifteen days after receiving notice of such increase, then the board of directors may dispose of such shares of new stock in such manner as they may deem best.
When directors may be elected.	SECTION 3. When five hundred shares of the capital stock have been subscribed and paid in, the shareholders may elect eleven of their number directors, one of whom shall be president, to serve until the next annual election.
Banking privileges.	SECTION 4. Said bank may receive money to keep for its depositors, either with or without interest payable thereon, and may buy or sell bullion, buy, sell, draw or negotiate bills of exchange, of lading, stocks and bonds of all companies, states, and of the United States, or other good and sufficient securities, as may be agreed upon by the said bank and the borrowers.
Dividends.	SECTION 5. The board of directors shall have power to declare and pay dividends, out of the earnings of the company, to the stockholders, at such times and in such amounts as to them may seem proper, and said company shall pay to the state treasurer a tax on such dividends as is or may be imposed by law.
Annual election.	SECTION 6. The annual election for directors shall be on the third Monday of June of each year, unless changed by the by-laws of the company; directors shall have power to elect one of their number president, and to elect all other
Officers and agents.	officers or agents they may deem necessary for conducting the business of the company; stockholders shall be entitled to one vote for each share of stock, and may vote in person or by written proxy, but said proxy must be dated within three months of and two weeks prior to the election for which such proxy was given; two weeks' notice by publica-
Votes.	

tion in one of the county papers shall be given of the time and place where such election shall be held, and such election shall be conducted according to the by-laws. Notice of election.

SECTION 7. The board of directors shall make all by-laws necessary for properly conducting the business of the bank not inconsistent with the laws of the state or United States, and shall have power to require payments of any amounts remaining unpaid on the stock of said bank at such times and in such proportions as they think proper. By-laws.  
Payment of stock.

SECTION 8. The board of directors shall have power to pay, on application, the check, paper, receipt or order of any minor or married woman such money or any part thereof as he or she may have deposited to his or her credit, or any interest; or dividend accruing thereon, without the assent or approval of the parents or guardian of such minor, or the husbands, or the creditors of the husbands of married women, to attach or in any manner interfere with any deposit, interest or dividend due to such minor or married woman. Payment of deposits to minors and married women.

SECTION 9. That the stockholders shall be personally liable to an amount double the capital stock held by them. Personal liability.

SECTION 10. Said bank shall have power and may borrow and lend money for such period as said bank may think proper, may discount any bill of exchange; foreign or domestic, promissory note or other negotiable paper, and the interest may be received in advance. It shall be lawful for said bank to purchase, hold and convey real estate as follows: Such as shall be necessary for its immediate accommodation in the transaction of its business; such as shall be mortgaged to it in good faith by way of security for its debts; such as shall be conveyed to in satisfaction of debts previously contracted in the course of its dealings; such as it shall purchase at sales under judgments, decrees or mortgages held by such bank, or shall purchase to secure debts due said bank. Said bank shall not purchase or hold real estate in any other case or for any other purpose than is specified in this section. Further banking; privileges.  
What real estate may be held.

SECTION 11. That said bank may take, receive, reserve and charge on any loan or discount made, interest at such rates as is allowed by any general laws of the state, now or hereafter regulating the rate of interest therein, and no more; and nothing in this act contained shall alter, change or affect the rate of interest provided for and established by this section. Interest on loans and discounts.

SECTION 12. The legislature hereby reserves the power to alter, or revoke, or annul said corporation whenever, in their opinion, it may be injurious to the citizens of the commonwealth, in such manner, however, that no injustice shall be done to the corporators, and this charter shall continue twenty years. Reservation.  
Limitation.

APPROVED—The 27th day of March, A. D. 1873.

J. F. HARTRANFT.

No. 233.

## AN ACT

To incorporate the Lanesville Police Company of Crawford County.

Incorporators.	<p>SECTION 1. <i>Be it enacted, &amp;c.</i>, That R. P. Miller, J. B. Hillman, M. V. Walch, J. H. Garner, G. F. Rankin, C. C. Minnely, John Gaugh, B. F. Wiser, L. D. Shattuck, and such other persons as are or may become hereafter associated with them, be and they are hereby incorporated into a body politic under the name, style and title of the Linesville Police Company, and they are hereby ordained and declared a body politic and corporate in fact and law, with full powers to hold property, make contracts, sue and be sued and make such by-laws, rules and regulations as may be deemed necessary for the government of said company and for the promotion of its objects, not inconsistent with the constitution and laws of the United States or of this commonwealth: <i>Provided</i>, That said company shall not hold property to an amount exceeding five thousand dollars.</p>
Title.	
Powers.	
Object.	<p>SECTION 2. That the object of this company incorporated by this act, shall be the protection of its members against losses by larceny and other unlawful and disorderly conduct, and the detection, arrest and conviction of criminals.</p>
Admission of members, &c.	<p>SECTION 3. That the said company or corporation shall have power to make regulations in their by-laws for the admission or expulsion of members, and to fix their contributions by uniform assessments to pay losses and expenses, and to procure attendance at meetings, and the pursuit of criminals by the members, by imposing fines for the non-performance of all such duties as may be required of officers and members, which assessments and fines or penalties shall be collected by the treasurer of said company in the same manner that county taxes are collected by law: <i>Provided</i>, That the adoption, alteration, amendment or repeal of said by-laws shall only be done at regular meetings of company and by a majority vote of the members present.</p>
Powers of members.	<p>SECTION 4. That each and every member of the said company shall have the same power to arrest, detain, et cetera, as allowed by law to the police of the city of Philadelphia, and shall be entitled to the same fees as are allowed by law to other officers of Crawford county for like services.</p>
Fees.	

APPROVED—The 1st day of April, A. D. 1873.

J. F. HARTRANFT.

No. 234.

## A SUPPLEMENT

To an act to incorporate the New Castle Passenger Railway Company.

SECTION 1. *Be it enacted, &c.*, That the time for commencing the work and completing the road on Washington street, shall be extended three years beyond the time required by

the act, approved April sixth, one thousand eight hundred and seventy-one; and said New Castle Passenger Railway Company shall have the right and privilege to run truck cars, in addition to the passenger cars, to carry baggage and to charge a reasonable compensation for the delivery of the same; and said company shall have the right to issue bonds to the amount of seventy thousand dollars, and dispose of the same: *Provided*, The rate of interest shall not exceed seven and three-tenths per centum.

APPROVED—The 3d day of April, A. D. 1873.

J. F. HARTRANFT.

No. 235.

### SUPPLEMENT

To an act to incorporate the Huntingdon, Fulton and Franklin Railroad Company, approved the eighth day of April, Anno Domini one thousand eight hundred and sixty-eight, fixing the amount of capital stock and extending the time for completing their railroad.

SECTION 1. *Be it enacted, &c.*, That the capital stock of the Huntingdon, Fulton and Franklin Railroad Company, incorporated by an act approved the eighth day of April, Anno Domini one thousand eight hundred and sixty-eight shall be, instead of the sum mentioned in the second section of said act, one hundred thousand dollars, with the privilege of increasing the same, from time to time, as a majority of the stockholders may determine, to one million of dollars, and the said company may have the period of five years to complete the said railroad, to be computed from the approval of this act.

APPROVED—The 3d day of April, A. D. 1873.

J. F. HARTRANFT.

No. 236.

### A FURTHER SUPPLEMENT

To an act to incorporate the Philadelphia and Delaware River Railroad Company, approved the fourth day of April, eighteen hundred and fifty-four.

SECTION 1. *Be it enacted, &c.*, That the Frankford and Southwark Philadelphia City Passenger Railroad Company, (formerly known by the corporate name of the Philadelphia and Delaware River Railroad Company,) be and they are hereby authorized, from time to time, to extend their railroad on Front street, northward from York street, within the limits of the city of Philadelphia, and may connect the same with their other tracks on Fifth and Sixth streets, and on Kensington avenue, by railway tracks on any street of the

said city north of York street, not west of Sixth street nor east of Kensington avenue.

APPROVED—The 3d day of April, A. D. 1873.

J. F. HARTRANFT.

No. 237.

### AN ACT

To incorporate the Penn Street Passenger Railway Company of the City of Reading, Pennsylvania.

Commissioners.

SECTION 1. *Be it enacted, &c.*, That John Endlich, Michael Hank, S. E. Ancona, Daniel S. Francis, Wm. A. Good, Henry S. Eckert, S. S. Stevens, Hicster Clymer, Abraham Bechtel, John Yerger, Henry Crouse, Adam Kutz, B. Frank Boyer, William Rowe, Joseph Ganser, Wm. A. Arnold, Charles Brenciser, Joseph Levan, Peter A. Wanner, George W. Bruckman, Solomon Close, Adam Schwartz, Washington Klssinger, Daniel Ermentrout, John F. Boyer, William Bland, William A. Hinnershitz, John Herman, Gregory Heine, Adam Bard, James Reber, John L. Moyer, Isaac Levan, Samuel Kutz, William H. Rhode, William Kerper, Henry Nagle, James Mullin, Henry Hoover, David F. Keller, Allen Bechtel, Jacob Ritter, John George Geissler, Charles Henninger, Adam Heilman, David Keiser, J. Hagenman, M. Mengle, Charles Heitzman, Raymond Heitzman, Franklin Fichthorn, Samuel Donakowen, John Snell, James Jameson, Samuel L. Young, Daniel R. Harper, Smith P. Ubil, Henry Bushong, Jesse G. Hawley, Joseph L. Stichter, Henry Eppenheimer, George Lerch, Eli S. Fox, John D. Mishler, E. D. Gilbert, Joseph Mishler, Samuel Buck, A. F. Boas, Wm. G. McGowan, John Ebner, Jacob Sauerbier, Jacob Hoff, P. O. Reilly, Charles M'Knight, Tobias Barto, George Miller, William J. Clous, Evan Mishler, John S. Pierson, George Souders, Francis Shalter, Peter Barbey, George K. Levan, H. A. Hoff, William Behm, Philip Albright, Geo. M. Ermentrout, John M'Knight, Frederick P. Heller, Frederick Mayers, William Geich, Jacob Boyer, Aaron Ritter, Geo. Bushong, Daniel Weitzel, Amos Potteiger, John Kissinger, Frederick Schuldt, Valentine Sauppe, W. L. D. Bourbon, D. S. Herban, Eli Eyrieh, William Parvin, A. B. Wanner, Jacob S. Levingood, or any three of them, are hereby appointed commissioners to open books, receive subscriptions to the capital stock of the company hereby incorporated, to be known by the name of the Penn Street Passenger Railway Company of Reading, Pennsylvania, with authority to construct a single or double track railroad, with the necessary turn-outs, sidings and switches from the Harrisburg bridge, on Penn street, Reading, Pennsylvania; thence along Penn to Elyenth street, and thence along Perkiomen avenue to Nineteenth street, in said city.

Name.

Authority to construct road.

Capital stock.

SECTION 2. That the capital stock of said company shall consist of one thousand shares, of twenty-five dollars each: *Provided*, That the directors of the said company may, at

any time, increase the same to two thousand shares, if deemed necessary; and any person or persons, association or associations may subscribe for and hold any number of said shares.

SECTION 3. That when five hundred shares of the stock shall have been subscribed, and five dollars paid in on each share, the said commissioners or any five of them, shall certify under their hands and seals the names of the subscribers, and the number of shares subscribed by each to the governor of the commonwealth, and it shall be thereupon the governor's duty by letters patent under his hand and seal of the state, to create and erect the said subscribers, their associates, assigns and successors, into one body politic and corporate, in deed and in law by the aforesaid name, style and title of the Penn Street Passenger Railway Company of Reading, Pennsylvania, and by the said name they shall have perpetual succession, with power to make a corporate seal, and the same to modify, alter and renew at pleasure, and to ordain, establish and put into execution such by-laws, ordinances, rules and regulations as may seem necessary and convenient for the government of said corporation, and not being contrary to the constitution and laws of the United States or of the commonwealth, and shall be able and capable of taking and holding the capital stock and the increase and profits thereof, and of purchasing, taking, and receiving and holding all such real estate and personal property as may be necessary or convenient to enable them to carry on the traffic of the said road, and the other purposes for which they are incorporated, with economy, facility and dispatch, and the same to exchange, barter, sell, let or lease on ground rent, mortgage or lease, or otherwise dispose of at their pleasure, and of suing and being sued, pleading and being impleaded by their corporate name, and shall have generally all the rights, privileges, franchises and incidents belonging and appertaining to a corporation, and the right of doing all and every other matter and thing which a corporation may lawfully do.

Certificate to  
governor.

Letters patent.

Powers and  
privileges.

SECTION 4. That the persons named in the letters patent or any five of them, shall as soon as conveniently may be after the same shall have been received, give at least ten days' notice in two or more daily papers published in the city of Reading, of a time and place to be by them appointed, at which the subscribers shall proceed to organize the said corporation, and shall choose by a majority of said subscribers by ballot, to be delivered in person or by proxy, five managers, all of whom shall reside in the city of Reading, who shall immediately choose one of their number to be president, all of whom shall serve until the third Monday of January next, or until their successors are lawfully chosen: *Provided*, That each member shall be entitled to one vote for every share or shares held by him or her.

Organisation.

SECTION 5. That said company shall have power to raise on bonds to be secured by mortgage of the road, including all its stock and franchises, any sum not exceeding three-fourths of the capital stock authorized by this charter, for the purpose of carrying out the true intent of this act: *Provided*, That no bond shall be issued for a less sum than one hun-

Authorized to raise  
money on bonds.



dred dollars, with interest at a rate not exceeding seven per centum per annum.

Transfers of shares.

SECTION 6. That said company shall not allow the transfer of share or shares of stock, except by resolution of the board of directors until all the instalments have been paid; and if any stockholder shall omit for the space of six months to pay any instalments which may have been called for, the managers of the company may either declare the share or shares of stock, on which the instalment or instalments are unpaid as aforesaid, to be forfeited, or may, at their option, bring suit to recover the said instalment or instalments, with interest at the rate of twelve per centum per annum, as debts of a like amount are recoverable against the person or persons appearing by their books to be the owner or owners thereof.

Dividends.

SECTION 7. That dividends of so much of the profits of said company as shall appear advisable to the directors, shall be declared in the months of January and July of each year, and be paid at the office of said company any time after ten days' notice from the time of declaring the same, but said dividends shall in no case exceed the amount of the net profits of said company, so that the capital stock shall never be thereby impaired, and in case the directors shall declare a dividend exceeding the amount of the net profits, and thereby impair the capital stock, they shall be held individually liable for all such excess.

Gauges.

SECTION 8. That the said railway company shall be and they are hereby required to lay the track of their said road of such a gauge as to be most convenient for the use of carriages and buggies passing over the said road; and in all cases the carriage or vehicle following the car shall have the right to the track, and the carriage or vehicle coming in the opposite direction shall be required to turn off the track.

Right to track, regulated.

Penalty for injuring road, &c.

SECTION 9. That if any person or persons shall willfully break, remove, destroy or injure any part of the said railway, or the cars, carriages, station houses or other buildings or property of said company, or shall without the consent of the company, obstruct or impede the passage on or over the said railway, or any part thereof, the person or persons so offending shall forfeit and pay for every such offence, the sum of five dollars to the said company; but no such suit shall be brought unless commenced within sixty days after such offence shall have been committed, and the person or persons so offending shall be and remain liable, in addition to said penalty, to action or actions at the suit of the said railway company for any loss or damage occasioned by his or her or their act or acts as aforesaid.

Councils may establish regulations for paving, &c.

SECTION 10. That the councils of Reading shall have the powers to establish such regulations in regard to said railway as may be required for the purpose of paving, repairing, grading, culverting and laying gas and water pipes in and along the streets in said city used by said company, and to prevent obstructions thereon.

Fare limited.

SECTION 11. That no greater fare shall be charged upon said road per passenger than seven cents for the entire trip or any portion thereof.

**SECTION 12.** That said railway company shall, at the intersection of their road with any railroad upon which locomotives are used, cause their cars to stop before crossing the same, under a penalty of twenty-five dollars for each violation of this section: *Provided*, That if said road be not completed within two years, then this act to be void and of no effect.

Cars to stop before crossing railroads.

When to be completed.

**APPROVED**—The 3d day of April, A. D. 1873.

J. F. HARTRANFT.

No. 238.

### AN ACT

To incorporate the Renovo Bridge Company.

**SECTION 1.** *Be it enacted, &c.*, That E. T. Swain, D. W. Pierce, George W. Given, James Murphy, John S. Bailey, Joseph S. Swain and J. H. Baird, or a majority of them, be and they are hereby appointed commissioners to receive subscriptions and organize a company, by the name, style and title of the Renovo Bridge Company, and said commissioners shall compose the first board of directors of said bridge company, and shall elect a president from their number, and shall hold their respective offices until the first election under this act, and until their successors are elected and qualified.

Commissioners.

Title.

First board of directors.

**SECTION 2.** That the direction of said company shall be vested in not less than five nor more than seven directors, one of whom shall be elected president of the company; that said board of directors shall elect a secretary and treasurer, and such other officers as they may deem necessary; the time for holding the regular election for president and directors shall be on the first Monday in November after the passage of this act, and annually thereafter.

Direction of company.

Secretary and other officers.

When election to be held.

**SECTION 3.** That the said company shall have power to establish and construct piers and abutments, and to erect a bridge thereon with roadways for carriages, foot-passengers and other ordinary methods of travel, upon and over the same, across the West Branch of the Susquehanna river, in Clinton county, Pennsylvania, from some point within the borough of Renovo, to be determined by a majority of the board of directors of said bridge company, on the north side of said river, to some point on the south side opposite, in the township of Chapman, in said county; and the said company shall have the power of regulating the roads approaching said bridge at either end so as to improve the approaches thereto in a manner most convenient to the public good.

Authorized to construct bridge.

Regulate roads approaching bridge.

**SECTION 4.** That the capital stock of said Renovo Bridge Company shall be fifty thousand dollars, to be divided into shares of one hundred dollars each; and the said bridge company shall have power to borrow any sum or sums of money not exceeding the amount of the capital stock of said company for the purpose of completing said bridge, and to issue bonds therefor bearing such rate of interest as may be agreed

Capital stock.

May borrow money and issue bonds.

upon not exceeding ten per centum, and to secure the same by mortgage of any or all the property, rights and franchises of said bridge company.

**Rights, privileges, &c.** SECTION 5. That the said bridge company shall have all the rights and privileges and be subject to all the restrictions of the general acts of assembly relating to bridge companies heretofore passed, and now remaining in force in this commonwealth, as far as the same are consistent with the provisions of this act.

**Bridge a public highway on completion thereof.**

SECTION 6. That upon the completion of the said bridge the same shall be held a public highway for the conveyance of passengers and the transportation of freight, subject to such rules and regulations in relation to the same as the president and a majority of the directors shall hereafter fix upon and establish; and the said company may, from time to time, establish, demand and receive such rates of toll for the use of said bridge, for the crossing the same with carriages or on foot, or by any other mode of conveyance, or for the transportation of merchandise or freight over the same, by commutation or otherwise, as to the president and directors of the said bridge may seem reasonable and proper.

**Tolls.**

**Charter.**

SECTION 7. That this charter shall be perpetual, subject only to the powers of the legislature to alter, revoke or annul the same.

APPROVED—The 4th day of April, A. D. 1873.

J. F. HARTMAN.

No. 239.

AN ACT.

To incorporate the Edwin Forrest Home.

**Corporators.**

SECTION 1. *Be it enacted, &c.*, That James Oakes, of Boston, James Lawson, of New York, Daniel Dougherty, John W. Forney, James H. Castle, John M. Michener, and the mayor of Philadelphia, and their successors, are hereby made a body politic by the name of the Edwin Forrest Home, with perpetual succession, and have and use a common seal, and be capable to sue and be sued in law and equity, and to take, hold and convey real and personal estate, of an annual income not exceeding thirty thousand dollars; as vacancies shall occur, the existing managers shall, from time to time, fill them, so that if practicable only one vacancy shall ever exist at one time, and the board may consist of seven managers; the mayor will be a manager only during his term of office.

**Name.**

**Privileges.**

**Vacancies.**

**Where home to be established.**

**Object.**

SECTION 2. The said Edwin Forrest Home shall be established at the country seat of the late Edwin Forrest, called Spring Brook, and shall be for the support and maintenance of actors and actresses, decayed by age or disabled by infirmity, who, if natives of the United States, shall have served at least five years in the theatrical profession, and if of foreign birth, shall have served in that profession at least ten

years, whereof three years next previous to the application shall have been in the United States, and who shall in all things comply with the laws and regulations of the home, otherwise to be subject to be discharged by the managers, whose decision shall be final.

SECTION 3. The number of inmates in the home, shall never exceed the annual net rent and revenue of the institution, and after the number of inmates therein shall exceed twelve, others to be admitted shall be such only as shall receive the approval of the majority of the inmates as well as of the managers.

Number and admission of inmates.

SECTION 4. The managers shall elect one of their number to be the president of the institution, appoint a treasurer and secretary, steward and matron, and if needed, a clerk; the said treasurer, secretary, steward, matron and clerk, subject to be at any time discharged by the managers; except the treasurer, the said officers may be chosen from the inmates of the home, and the treasurer shall not be a manager, nor either of his sureties; the managers shall also appoint a physician for the home.

President, treasurer, &c.

SECTION 5. Should there be any failure of the managers to fill any vacancy which may occur in their board for three months, or should they, in any respect, fail to fulfill their trust, according to the intent of the will of said Edwin Forrest, and the charter of the institution, upon the petition of any two or more of said managers, or of the mayor of the city, the orphans' court of Philadelphia county shall make such appointments to fill any vacancy or vacancies, and all orders and decrees necessary to correct any failure or breach of trust which shall appear to said court to be required, as in case of any other testamentary trust, so that the purposes of this charity may never fail or be abused.

When orphans' court to fill vacancies, &c.

SECTION 6. The said institution shall be so conducted as to carry into effect the following provisions of the will of the late Edwin Forrest, and the orphans' court, for the county of Philadelphia, shall have and exercise all the powers therein expressed: "The purposes of the said Edwin Forrest Home are intended to be partly educational and self-sustaining, as well as eleemosynary, and never to encourage idleness or thriftlessness in any who are capable of any useful exertion. My library shall be placed therein in precise manner as it now exists in my house in Broad street, Philadelphia; there shall be a neat and pleasant theatre for private exhibition and histrionic culture; there shall be a picture gallery for the preservation and exhibition of my collection of engravings, pictures, statuary and other works of art, to which additions may be made, from time to time, if the revenues of the institution shall suffice; these objects are not only intended to improve the taste, but to promote the health and happiness of the inmates, and such visitors as may be admitted; also, as a means of preserving health, and consequently the happiness of the inmates as well as to aid in sustaining the home, there shall be lectures and readings therein upon oratory and the histrionic art, to which pupils shall be admitted upon such terms and under such regulations as the

Certain provisions of will to be carried into effect.

managers may prescribe; the garden and grounds are to be made productive of profit as well as of health and pleasure, and so far as capable, the inmates not otherwise profitably occupied, shall assist in farming, horticulture and the cultivation of flowers in the garden and conservatory; the Edwin Forrest Home may also, if the revenues shall suffice, embrace in its plan lectures on science, literature and the arts, but preferably oratory and the histrionic art, in manner to prepare the American citizen for the more creditable and effective discharge of his public duties, and to raise the education, and intellectual and moral tone and character of actors, that thereby they may elevate the drama, and cause it to subserve its true and great mission to mankind, as their profoundest teacher of virtue and morality; the Edwin Forrest Home shall also be made to promote the love of liberty, our country and her institutions, to hold in honor the name of the great dramatic bard, as well as to cultivate a taste and afford opportunity for the enjoyment of social rural pleasures; therefore, there shall be read therein, to the inmates and public, by an inmate or pupil thereof, the immortal declaration of independence, as written by Thomas Jefferson, without expurgation, on every fourth day of July, to be followed by an oration under the folds of our national flag; there shall be prepared and read therein before the like assemblage, on the birthday of Shakespeare, the twenty-third of April, in every year, an eulogy upon his character and writings; and one of his plays, or scenes from his plays, shall on that day be represented in the theatre; and on the first Monday of every June and October, the Edwin Forrest Home and grounds shall be opened for the admission of ladies and gentlemen of the theatrical profession and their friends, in the manner of social pic-nics, when all shall provide their own entertainments. The foregoing general outline of my plan of the institution I desire to establish has been sketched during my preparations for a long voyage by sea and land, and should God spare my life, it is my purpose to be more full and definite, but should I leave no later will or codicil, my friends who sympathize in my purposes will execute them in the best and fullest manner possible, understanding that they have been long meditated by me, and are very dear to my heart; they will also remember, that my professional brothers and sisters are often unfortunate, and that little has been done for them, either to elevate them in their profession, or to provide for their necessities under sickness or other misfortunes. God has favored my efforts and given me great success, and I would make my fortune the means to elevate education of others, and to promote their success, and to alleviate their suffering, and smooth the pillows of the unfortunate in sickness or other disability, or the decay of declining years."

City councils to have area of sixty acres laid out.

SECTION 7. That it shall be lawful, and it is hereby required, that the councils of the city of Philadelphia shall cause to be laid out in connection with the city survey of the public plan, an area of sixty acres to be surrounded by a street of sixty feet in width, and to include the buildings now on said place; and the same being done, no streets or

street shall ever thereafter be laid upon or through said sixty acres without the consent of said board of managers: *Provided*, That said grounds shall be laid out with drives and walks, to be maintained in good order, upon which the public shall be admitted to enter for health and enjoyment, under rules and regulations to be established by said board of managers, for designated times not less than thirty hours in each week; and the said corporation shall thereafter be authorized to sell the residue of the grounds of said Spring Brook estate, in fee simple, the proceeds to be applied to increase the endowment and usefulness of said home. The enclosure around said open grounds shall always be such as to permit persons five feet in height to look into them from the foot pavement outside, and there shall be at least four carriage ways for entrance and departure, one on each side, and as many footways.

Residue of grounds  
may be sold.

Height of en-  
closure, &c.

SECTION 8. The said board of managers shall have power to ordain by-laws and establish rules and regulations, both for their own meetings and government and for the said institution, and the public admitted to visit the grounds; and the said grounds, plants, library and objects of art shall have all the protection that cemeteries have from contagious nuisances and mutilations, as if the laws relating to them were here enacted for the protection of this institution.

By-laws, rules and  
regulations.

Protection of  
grounds, plants,  
&c.

SECTION 9. That the said estate, so far as it shall go to said charity, shall be exempt and is hereby exempted from the collateral inheritance tax.

Estate exempt  
from collateral in-  
heritance tax.

APPROVED—The 7th day of April, A. D. 1873.

J. F. HARTRANFT.

#### No. 240.

#### A SUPPLEMENT

To the act to incorporate the Mechanics' Mutual Cottage Company, approved twenty-ninth March, one thousand eight hundred and seventy-two.

SECTION 1. *Be it enacted, &c.*, That the Mechanics' Mutual Cottage Company are authorized to pave, grade or macadamize the streets or side-walks in front of their property, or in front of property of any citizen, with consent of such citizen, and to enter into a contract with them or the superintendent of highways of Twenty-second ward, or of city of Philadelphia, in accordance with existing laws, to grade, curb or pave any of the lanes, streets or alleys or side-walks in the city of Philadelphia, at such price as may be agreed upon by existing competent authority, or by any citizen so contracting; and in case the same is not paid for on presentation of bill, they are hereby authorized to enter a lien upon the property abutting on the line of the street so paved, curbed or graded, or side-walks laid, and collect the same by course of law, charging them the legal rate of interest: *Provided*, That this act shall not be construed to authorize the said

company to pave in front of any property without the full and free consent of the owner or owners.

APPROVED—The 9th day of April, A. D. 1873.

J. F. HARTRANFT.

No. 241.

### AN ACT

To authorize Blair Iron and Coal Company to take a conveyance of land from Cambria Iron Company.

WHEREAS, By an act approved the thirteenth day of March, Anno Domini one thousand eight hundred and seventy-three, the Blair Iron and Coal Company was authorized to borrow the sum of five hundred thousand dollars, and secure the same by the issue of bonds and by mortgage of its lands, et cetera; now, therefore, to enable said company to negotiate said loans and to offer adequate security for the same.

SECTION 1. *Be it enacted, &c.*, That Blair Iron and Coal Company, in addition to its other rights and privileges, shall have the right to take from Cambria Iron Company a conveyance of all or any part of the lands, minerals and interests in real estate which said Cambria Iron Company now owns in the counties of Blair, Huntingdon and Bedford, with the right to own, hold, develop, improve mortgage and sell the same.

APPROVED—The 9th day of April, A. D. 1873.

J. F. HARTRANFT.

No. 242.

### AN ACT

To authorize the Belle Vernon Mutual Building and Loan Association, in Fayette county, to make loans, and to secure the same by bond or mortgage, in Westmoreland and Washington counties.

WHEREAS, The Belle Vernon Mutual Building and Loan Association is limited by its charter to Fayette county:

*And whereas*, Many of its members reside in adjoining counties; therefore,

SECTION 1. *Be it enacted, &c.*, That the said Belle Vernon Mutual Building and Loan Association be and is hereby authorized to make loans, and to secure the same by bond or mortgage on property, in either Fayette, Washington or Westmoreland counties, as the association may determine.

APPROVED—The 10th day of April, A. D. 1873.

J. F. HARTRANFT.

## No. 243.

## AN ACT

To incorporate the Youghiogheny River Navigation Company.

SECTION 1. *Be it enacted, &c.*, That Thomas Moore, W. H. Brown, Eli Suter, Benj. Heath, N. J. Bigley, Wm. Britt, C. H. Armstrong, J. K. Morehead, J. J. Hazlett, Wm. Peavis, B. B. Coursen, J. S. Finch, J. M. Guffey, George Plummer, John Guffey, C. F. Warden, Wm. Douglass, Thos. Mellon, Welcome White, W. H. Hope, C. E. Boyle, James Cochran, Robert Hogshead, Edward C. Pechin, Samuel H. Smith, and John K. Ewing, and all such other persons and parties, companies or firms, as shall become stockholders in the company hereby incorporated, shall be and they are hereby constituted a body politic and corporate, by the name and title of the Youghiogheny River Navigation Company, and by the said name, style and title shall have all the powers, immunities and privileges of a corporation and body politic in law, for the purpose of making a lock navigation of the Youghiogheny river, so far as the same may be practicable, and to connect the same by a canal with the Chesapeake and Ohio canal at the Maryland state line.

Corporators.

Title.

Powers and privileges.

SECTION 2. That said company shall have power to complete a lock navigation of the Youghiogheny river in the state of Pennsylvania, and to connect the same by canal with the aforesaid Chesapeake and Ohio canal, to the Maryland state line, and be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, and be entitled to like tolls and profits as are given and granted to the president, managers and company, in an act to authorize the governor to incorporate a company to make a lock navigation on the river Monongahela, approved the thirty-first day of March, Anno Domini one thousand eight hundred and thirty-six, and the supplements thereto: *Provided*, That the work shall be commenced within two years from the passage of this act, and shall be completed within four years thereafter.

Further powers.

Subject to.

When work to be commenced and completed.

SECTION 3. That the capital stock of said Youghiogheny River Navigation Company, which shall be assignable only on the books of the company, shall be five hundred thousand dollars, (\$500,000) to be divided into shares of fifty dollars each, with the right and power in the said company to increase its capital stock, from time to time, as it may elect, to any sum not exceeding ten million of dollars (\$10,000,000).

Capital stock.

SECTION 4. That any six of the corporators herein named may proceed to open books for subscription to the capital stock of the said company at Suterville or elsewhere, and the form of subscription shall be the same as in section one of the act of thirty-first March, one thousand eight hundred and thirty-six, entitled "An Act to make a lock navigation on the river Monongahela."

Subscriptions.

SECTION 5. That the affairs of said company shall be managed by a president, a vice president and five directors, to be elected annually, after the first election, by the stock-

Management.



Officers and agents.

Vacancies.

Quorum.

By-laws.

May borrow money  
and issue bonds.

Bonus and taxes.

Individual lia-  
bility.

holders out of their number, and shall hold their offices for one year, and until their successors are elected, but any failure or omission to elect such directors annually, shall in no wise impair or affect, meanwhile, the rights and powers of those holding over, or the rights and interests of the said company in any way. Such board of directors shall elect a treasurer and secretary for the said company, and such other officers and agents as they may deem necessary to manage the affairs of the company, and shall fill all vacancies occurring in their own body until the next succeeding election by stockholders, and a majority of said board shall constitute a quorum for the transaction of business; they shall have power to make by-laws for the regulation of the affairs of the company, subject to the revision, approval or rejection of the stockholders, and not inconsistent with the laws of this commonwealth or of the United States or the provisions of this charter.

SECTION 6. That the said company may borrow money and create indebtedness in such way and manner as the board of directors may deem necessary for the prosecution and management of the business of the same, and issue securities of the said company therefor not exceeding, in the aggregate, the sum of one million dollars, and payable in such places as they may deem proper, at a rate of interest not exceeding seven and three-tenths per centum per annum, and dispose of such securities in such manner and at such places as said board may direct: *Provided*, That said corporation shall pay into the treasury of the commonwealth such bonus and taxes as are now or may hereafter be required by law, and the stockholders of said company shall be individually liable for all debts due mechanics, workmen and laborers employed by said company, and for all materials and provisions furnished to said company, to be sued for and collected as is provided in the twelfth, thirteenth and fourteenth sections of the act incorporating the Lackawanna Coal and Iron Company, approved the fifth day of April, one thousand eight hundred and fifty-three: *Provided*, That no bond shall be issued for a less sum than one hundred dollars.

APPROVED—The 10th day of April, A. D. 1873.

J. F. HARTRANFT.

No. 244.

## A SUPPLEMENT

To "An Act to incorporate the Lutheran Observer Association of the City of Philadelphia," approved the thirteenth day of April, Anno Domini one thousand eight hundred and sixty-eight, authorizing the change in the elections and requiring the treasurer to sign the certificates of stock.

Votes.

SECTION 1. *Be it enacted, &c.*, That hereafter each and every share of stock shall entitle the holder or owner thereof to one vote on all questions and in all elections in the asso-

ciation, and that the annual meeting of the stockholders of this association shall be held at the place of publication during the second week in November. Annual meeting of stockholders.

SECTION 2. Hereafter all certificates of stock issued by said association shall be signed by the president, treasurer and secretary of the board of directors. Certificates of stock.

SECTION 3. All parts of the act to which this is a supplement which are altered or supplied by this act are hereby repealed. Repeal.

APPROVED—The 10th day of April, A. D. 1873.

J. F. HARTRANFT.

No. 245.

### AN ACT

To authorize the Right Reverend William O'Harra, Roman Catholic bishop of the diocese of Scranton, in the county of Luzerne, to sell certain real estate.

SECTION 1. *Be it enacted, &c.,* That the Right Reverend William O'Harra, Roman Catholic bishop of the diocese of Scranton, in the county of Luzerne, and state of Pennsylvania, be and he is hereby authorized to sell and convey all that certain lot of land, with improvements, situate, lying and being in the borough of Wilkes Barre, now the city of Wilkes Barre, Luzerne county, Pennsylvania, described as follows, viz: All that certain piece or parcel of land, messuage and tenement, being and situate in the borough of Wilkes Barre, in the county of Luzerne, and state of Pennsylvania, bounded and described as follows: Beginning at a corner on the south side of Canal street in the Second ward of said borough; thence by a line of certified lot number thirty-five (35) south fifty-one degrees and thirty minutes east one hundred and fifty-seven feet to a corner on the berme bank of the North Branch division of the Pennsylvania canal; thence by said canal south fifty-five degrees and twenty minutes west one hundred and twelve and seven-tenths feet to a corner; thence by lot number one and one-half ( $1\frac{1}{2}$ ) north thirty-four degrees and forty minutes west one hundred and fifty feet to a corner in Canal street aforesaid; thence by said Canal street north fifty-five degrees and twenty minutes east sixty-seven and sixty-two one hundredths feet to the place of beginning, containing thirteen thousand five hundred and twenty-four square feet of land, strict measure, all improved, with a two-story frame dwelling house, a frame barn and out-buildings thereon, being lot number one (1) of the first tier in the partition of the estate of Archippus Parrish, deceased, and one of the lots chosen and selected by Gould P. Parrish, of the borough, county and state aforesaid, one of the heirs of the said Archippus Parrish, deceased, and to him conveyed by Abraham Drumm, Esq., sheriff of the county of Luzerne, by deed dated the eighteenth day of June, Anno Domini one thousand eight hundred and fifty-five, and ac-

knowledgeed in open court of the common please, the same day and date, and recorded in the office for recording deeds in and for said county, on the twenty-seventh day of September, Anno Domini one thousand eight hundred and fifty-five, in deed book number sixty-two, page three hundred and forty-six, et cetera, being also one of the several pieces and parcels of land sold and conveyed to E. P. Darling, Esq., by Samuel Van Loon, Esq., sheriff of the county of Luzerne, by deed dated eleventh day of April, Anno Domini one thousand eight hundred and sixty, and acknowledged in open court of common pleas the same day and date, and recorded in the sheriff's and treasurer's deed book for said county, number fifteen, page two hundred and seventy-three. G. B. Nicholson, Esq., a former purchaser of said lot at sheriff's sale, having bargained, sold and conveyed all his right, title and interest therein to the said E. P. Darling, Esq., by deed dated the thirteenth day of July, Anno Domini one thousand eight hundred and sixty-one, and conveyed by the said E. P. Darling, Esq., and wife, to Revered Henry Fitz Simmons, by deed dated the second day of January, Anno Domini one thousand eight hundred and sixty-four, and recorded in the office for recording deeds in and for the county of Luzerne, in deed book number ninety-three, page four hundred and sixty-three, and afterwards conveyed by Henry Fitz Simmons to the Right Reverend James F. Wood, bishop, by deed dated the twenty-seventh day of December, Anno Domini one thousand eight hundred and sixty-four, which deed was afterwards recorded in the office for recording deeds at Wilkes Barre, in deed book number one hundred and one, page eighteen; said Bishop Wood having after the creation and establishment of the diocese of Scranton, conveyed said property to said Bishop O'Harra, by deed dated the seventeenth day of September, Anno Domini one thousand eight hundred and sixty-nine, which deed was afterwards recorded in the office for recording deeds, at Wilkes Barre, in deed book number one hundred and thirty-four, page three hundred and twenty. The said Bishop O'Harra or his successor in office, is hereby authorized and empowered to make sale of the said lot of ground or parcel of land or any part thereof, and to make deed or deeds therefor to the purchaser or purchasers in fee simple or otherwise.

APPROVED—The 10th day of April, A. D. 1873.

J. F. HARTRANFT.

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No. 246.

AN ACT

To incorporate the Harrisburg Trading Company.

Copulators.

SECTION 1. *Be it enacted, &c.*, That J. F. Rohrer, J. B. Ewing, William McWhitman, and others, are hereby empowered, from and after the passage of this act, to establish and organize an incorporated company by the name, style

and title of the Harrisburg Trading Company, with the principal office at the city of Harrisburg, Pennsylvania; such incorporators, or a majority of them, to have power to substitute other persons or names to fill any vacancy that may occur by any of those herein named failing to appear at the proper time and assist in organizing said company as herein provided for; to fill vacancies that may occur by the resignation of any of the parties herein named, and their successors, and those who may be associated with them, be and are hereby created and constituted a body politic in deed and in law, and be able to sue and be sued, to plead and be impleaded in any court of law or equity.

Title.

Office.

Vacancies in corporators.

Privileges.

SECTION 2. The purpose for which said company or corporation is formed, is to do business as a general agency for the sale of the Bles sewing machines, and shall have power to buy and sell the same, either at wholesale or retail, and shall also deal generally in sewing machine attachments and findings, as the board of directors hereinafter provided may deem necessary for the successful carrying on of the business of said company; and for the successful carrying of their business, said corporators shall have power and they are hereby authorized to create capital stock to the amount of fifty thousand dollars, (\$50,000 00,) which shall be divided into shares of twenty-five dollars, (\$25 00) each, with the privilege of increasing said stock to any amount not exceeding one hundred thousand dollars, (100,000 00,) and to issue certificates of stock therefor in such way and on such terms and conditions as may be decided upon by the said board of directors; such certificates of stock to be signed by the president and treasurer and attested by the secretary of the company under the corporate seal of the company which said board of directors shall provide and adopt.

Purpose.

Capital stock.

Certificates.

SECTION 3. Said corporators and their successors shall be deemed and constituted a board of directors, who shall have sole power to manage the affairs of said company, with the power to make, execute and perfect contracts, bargains and agreements as the interest of the company may require.

Directors.

SECTION 4. Said corporators and directors shall meet in the city of Harrisburg as soon after the passage of this act as may be deemed suitable, and shall elect a president and other officers which shall be of their own number: *And it is also provided*, That no director or stockholder shall be individually liable for any debts of said company aside from the stock they may hold in said company.

Organization.

Individual liability, limited.

SECTION 5. Said board of directors, their associates and successors, shall have power to make and adopt such by-laws as may be deemed by them necessary for the management of the company, and to alter and amend the same by a two-third vote of the stock represented at any regular stated meeting, and shall also have power to fill, by appointment, any vacancy of said board of directors that may occur by death, resignation or otherwise.

By-laws.

Vacancies in directors.

SECTION 6. Said board of directors shall serve for one year from the organization of said company, or until their successors shall be elected, and in like manner their succe-

Terms of directors

Election.

Debts limited.

Directors liable for  
any excess.Subject to trading  
laws.

Limitation.

Right to revoke  
charter.

sors shall serve for the aforesaid term, and shall be elected every year to serve for a similar period; and it shall also be the duty of said board of directors, and their successors, to call a meeting of the stockholders of said company, and to hold an election for directors, as their successors, at least one week before the expiration of the term, and every stockholder shall be entitled to one vote for each share of stock, and said stock may be voted by the owner in person or by proxy: *Provided*, The whole amount of the debts of this company shall not, at any time, exceed an amount equal to three-fourths of the actual and available assets of such company; and in case of any excess the directors under whose administration it occurs shall, jointly and severally, liable to the extent of such excess for all the debts of the company then existing, and for all that are contracted so long as they respectively continue in office, and until the debts are reduced to the amount of the capital stock: *Provided*, That any of the directors who are absent at the time of contracting any debts contrary to the foregoing provisions, or who object thereto, may exempt themselves from liability by forthwith giving notice of the facts to the stockholders at a meeting which they may call for that purpose, and in general shall be subject to all the trading laws of the state.

SECTION 7. This corporation shall exist for twenty years: *Providing*, The state may, at any time it finds it convenient or necessary, revoke this charter: *Providing*, No stockholder injured thereby.

APPROVED—the 19th day of April, A. D. 1873.

J. F. HARTRANFT.

No. 247.

# AN ACT.

To authorize Jefferson Harrison, administrator of the estate of A. P. Cone, deceased, to borrow money to pay debts of said decedent, at a rate of interest not exceeding ten per centum per annum.

Court may au-  
thorize administra-  
tor to borrow  
money and issue  
certificates.

SECTION 1. *Be it enacted, &c.*, That the orphans' court of Tioga county may authorize Jefferson Harrison, administrator of the estate of A. P. Cone, late of Tioga county, deceased, to borrow such sum or sums of money as said court shall deem necessary to pay the debts of said decedent, at a rate of interest not exceeding ten per centum per annum, and issue certificates of indebtedness therefor, payable at such times as said court shall order.

How certificates  
payable, &c.

SECTION 2. Said certificates of indebtedness shall be payable out of the assets of said estate for the payment of debts, and shall be liens upon the real and personal estate of said decedent, until the same shall be lawfully sold.

Consent of guar-  
dians to be had.

SECTION 3. No order or decree shall be made by said court in pursuance of this act, without the consent of the guardians of the minor children of said decedent.

APPROVED—The 28d day of April, A. D. 1873.

J. F. HARTRANFT.

No. 248.

## AN ACT

To authorize the Lehigh Iron Company to build a bridge over the Lehigh river, and to increase its capital stock.

SECTION 1. *Be it enacted, &c.*, That the Lehigh Iron Company is hereby authorized to build and construct a bridge over the Lehigh river, at or near their works in Salisbury township, Lehigh county, with power to charge and collect tolls, in the same manner and to the same extent, as is authorized by section third of the general act regulating bridge companies, approved April twelfth, one thousand eight hundred and fifty-five, and with power and authority to regulate and protect the said bridge from destruction and injury, by the adoption of such rules and regulations as are authorized by the said general act; and any violation of such rules and regulations shall subject the offender to the penalties imposed by the sixth section of the said general act relating to bridge companies.

Authorized to construct bridge.

Charge tolls.

Regulate and protect bridge.

SECTION 2. That the said Lehigh Iron Company is hereby authorized to enlarge and increase the capacity of their works, and for that purpose may further increase their capital stock from time to time, to any amount not exceeding one and a half million of dollars: *Provided*, That the said company, whenever they shall increase their capital stock under the authority conferred by this act, shall pay or cause to be paid into the state treasury, such bonus, if any, as shall at the time of such increase be required by law, but such payment shall only be required on the actual amount of the increase made at any one time.

Authorized to increase capital stock.

Bonus.

APPROVED—The 24th day April, A. D. 1873.

J. F. HARTRANFT

No. 249.

## AN ACT

To annul the marriage contract between Mary Louisa Cochran and Robert Smith Cochran, her husband.

SECTION 1. *Be it enacted, &c.*, That the marriage contract entered into between Mary Louisa Cochran and Robert Smith Cochran, her husband, be and the same is hereby annulled and made void to all intents and purposes, and the said parties are hereby fully released and set free from all duties and obligations of said contract as fully as though the same had never been made.

APPROVED—The 28th day of April, A. D. 1873.

J. F. HARTRANFT.

No. 250.

## AN ACT

To annul the marriage contract between Joseph F. Kirby and Mary, his wife.

SECTION 1. *Be it enacted, &c.*, That the marriage contract entered into between Joseph F. Kirby and Mary, his wife, of the county of Northumberland, be and the same is hereby annulled and made void, and the said parties released, set free and forever discharged from said contract and the duties and obligations thereunder as fully as if the same had never been made.

APPROVED—The 6th day of May, A. D. 1873.

J. F. HARTRANFT.

No. 251.

## A FURTHER SUPPLEMENT

To an act to incorporate the Somerset Land Company, authorizing the company to hold part of their lands in Bedford county either in fee or for any less estate, and to fix the par value of the shares of the stock of the company.

SECTION 1. *Be it enacted, &c.*, That said company shall have authority to hold part of their lands in Bedford county, either in fee or for any less estate, and to fix the par value of the shares of stock of the company, from time to time, as the directors may determine.

APPROVED—The 17th day of May, A. D. 1873.

J. F. HARTRANFT.

No. 252.

## AN ACT

Authorizing the city of Pittsburg to purchase and build bridges, and for that object to borrow money and issue bonds.

Councils authorized to levy city bridge tax.

How entered on duplicate, and collection and lien of.

SECTION 1. *Be it enacted, &c.*, That the select and common council of the city of Pittsburg, are authorized during the month of January or February, in each year, to levy and assess a tax not exceeding ten mills on the dollar, on all property in said city by law taxable for city, county and state purposes, to be named a "city bridge tax;" said tax shall be entered upon the tax duplicates of said city, in a separate column, headed "city bridges," and shall be collected at the same time and in the same manner as other city taxes are now by law collectible; and all laws now in force relating to the collection and lien of taxes in the city of Pittsburg shall be applicable to the taxes levied under this act; the account of said taxes when collected shall be kept by the controller

To be kept separate.

of the city separate and apart from all other tax accounts of said city, and denominated "the city bridge account;" and said taxes shall be appropriated to the purposes herein set forth and no other, and shall be drawn from the treasury in the same manner as other city moneys are drawn therefrom.

How appropriated.

SECTION 2. That B. F. Jones, George R. White, John M. Devitt, James Park, Jr., and Joseph Dilworth, are hereby appointed a board of appraisers, to make an appraisalment on or before such time or times as the councils of said city of Pittsburg shall, by resolution direct, an actual cash valuation of the capital stock of any one or more of the bridge companies owning and operating a bridge within the corporate limits of said city; that said board of appraisers shall appoint a time, not less than twenty nor more than sixty days before the time fixed by councils as aforesaid, and a place when and where the affairs of the bridge company, the capital stock of which is to be valued, and the proper officers of said city of Pittsburg, may appear, of which time and place they shall receive ten days' notice; and the said appraisers having been first duly sworn or affirmed, faithfully, justly and impartially to decide and true report to make concerning all matters and things to be submitted to them, and in relation to which they are authorized to inquire, in pursuance of the provisions of this act, and having heard the evidence of the said parties, they shall estimate and determine the value of the capital stock of the bridge company owning the bridge to be taken by the said city of Pittsburg, (first deducting therefrom, however, any reserved or contingent fund which the said bridge company may have,) and to whom payable, and make report thereof to the district court of Allegheny county, which said report shall be considered confirmed ten days after the filing thereof, unless before expiration of that time exceptions thereto shall be filed; and said district court shall have power, in case exceptions be filed, to amend said report or refer it back to said appraisers for correction; and when said report shall be finally confirmed, and upon the payment of the moneys therein required to be paid, the said city of Pittsburg shall enter and take possession of the bridge or bridges appraised as aforesaid; but should said city fail to pay the amount of money, by said report required to be paid, within four months thereafter, then the whole proceedings shall be dismissed at the cost of said city of Pittsburg.

Of the appraisalment of capital stock of bridge companies.

Report of appraisers.

When city to take possession of bridges.

Failure to pay valuation money.

SECTION 3. That should a vacancy occur in said board, by reason of any one of said appraisers refusing to serve or having an interest in any stock of said bridge companies to be appraised, or by death or resignation, such vacancy shall be filled by the remaining members of the board.

Vacancies in board of appraisers.

SECTION 4. That councils of the city of Pittsburg are authorized and empowered to erect and construct one or more bridges over the Monongahela river, within the corporate limits of said city, subject to and under the provisions of the acts of Congress in relation to bridges over the Monongahela river; the cost of said bridge or bridges to be provided for by the loan authorized by this act; and the said bridge or

Councils may erect bridges over Monongahela.

How cost to be provided for.



How to be lighted,  
&c.

Rules and regula-  
tions.

City may occupy  
wharves.

Councils may take  
real estate.

Damages.

Tolls.

Superintendents  
and other help.

Tolls to be set apart  
as sinking fund.

When bridges to  
become free.

Proviso.

Councils may bor-  
row money to pay  
for bridges.

City may issue  
bonds for borrowed  
moneys.

bridges shall be lighted, watched, superintended and kept in repair, and if necessary, at any time, altered, remodelled or renewed at the cost of said city; and said councils shall have power to make such rules and regulations as may be necessary for the preservation and use of said bridge or bridges.

SECTION 5. That it shall be lawful for said city to occupy, build upon and alter so much of any of the wharves or public landings of said city as may be necessary for the erection of said bridge or bridges.

SECTION 6. That the councils of said city of Pittsburg are hereby authorized to take and enter upon any real estate which may be necessary in the construction and erection of said bridge or bridges and approaches; and if said city and the owner or owners of such real estate cannot agree upon the amount to be paid for the damages done thereto, then the same shall be ascertained and paid in the manner prescribed for the assessment of damages in the general railroad law, approved nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine: *Provided*, That the only exception that can be taken to the report of viewers therein provided for, shall be as to the amount of damages.

SECTION 7. That the councils of said city of Pittsburg are authorized to demand and receive tolls for crossing any bridge or bridges purchased or constructed by virtue of this act, at such rates as the said councils shall, from time to time, by ordinance, determine; and the said councils shall have the power to employ superintendents and such other help as shall be deemed necessary for the collection of tolls and to keep in repair and preservation said bridges, and to define the duties of said superintendents.

SECTION 8. That the councils of said city shall annually, at the time other appropriations are made, appropriate and set apart the moneys realized by the collection of tolls as aforesaid, as a sinking fund for the extinguishment of the indebtedness created by virtue of this act, and to no other purpose.

SECTION 9. That when the loan created for the purchase or erection of the bridge or bridges as aforesaid shall have been entirely paid off, the said bridge or bridges shall become free, and no toll shall be charged for passing over the same: *Provided*, That the said councils decide to collect tolls for the payment thereof.

SECTION 10. That the councils of the city of Pittsburg are hereby authorized to borrow a sum of money not exceeding one million dollars, to be used for the purpose of paying for the bridge or bridges, purchased or constructed by virtue of this act, and for no other purpose, to be borrowed at such times and in such amounts as said councils may by ordinance direct.

SECTION 11. That the city of Pittsburg is hereby authorized to issue coupon or registered bonds for the payment of any sums of money which may be borrowed in pursuance of this act, in sums not less than one hundred dollars, bearing interest at a rate not more than seven per cent. per annum, to be executed in such form, and in such manner,

and payable at such times as councils may by ordinance direct: *Provided however*, That none of said bonds shall be sold for less than the par value thereof: *And provided further*, That all bonds issued in pursuance of this act shall be exempt from taxation for municipal or county purposes.

*Proviso.*

*Proviso.*

SECTION 12. That the loan authorized by this act shall be known as "the bridge loan," and all bonds issued in pursuance hereof shall be kept separate and apart from all other indebtedness of said city.

How loan to be known.

Bonds to be kept separate.

SECTION 13. That the councils of said city of Pittsburg shall annually, at the time appropriations are made, appropriate out of the taxes levied and collected by virtue hereof, a sum sufficient to pay the interest accrued or to accrue during the year upon outstanding bonds, and out of said taxes of the taxes and tolls levied and collected by virtue hereof, a further sum of not less than four per cent. of all bonds which may have been issued in pursuance of this act, to be set apart as a sinking fund for the extinguishment of said indebtedness.

Councils to make appropriations to pay interest and redeem loan.

SECTION 14. That the controller of said city shall, in the month of November of each year, give public notice for at least ten days, by advertisement in the newspapers authorized to do the city printing, of the amount of money in the sinking fund herein provided for, and that he will, on the first day of December following, pay such bonds issued under this act as may be presented in the order of their presentation.

Controller to give notice of money in sinking fund and of payment of bonds.

APPROVED—The 19th day of May, A. D. 1873.

J. F. HARTRANFT.

### No. 253.

### AN ACT

Erecting a board of health for the city of Allegheny, and prescribing its powers.

SECTION 1. *Be it enacted, &c.*, That the presidents of the councils of the city of Allegheny shall annually, at the regular time at which the standing committees of councils are appointed, appoint one member of councils from each ward, who shall constitute a board of health for said city.

Presidents of councils to appoint board of health.

SECTION 2. Said councils shall annually, at meeting for election of city officers, elect one practicing physician as city physician and physician to the tombs; the said board of health elect one person as health officer, and may, from time to time, appoint such other officers, agents and servants as may be authorized by councils, for the purpose of carrying on the operations of the board; the salaries and wages of all which said officers, agents and servants, including said physician and health officer, shall first be fixed by councils.

City physician and health officer to be elected.

Other officers and agents.

Salaries.

SECTION 3. The present board of health of councils of said city shall continue until a new board shall be appointed under this act, and shall have all the powers and perform all the duties vested in or incumbent upon the board of health under this act.

Present board to continue until new one appointed.

Present officers to hold over.

SECTION 4. That the present health officer shall hold over until the election of his successors under this act. All the officers, agents or servants appointed by the present board shall exercise all the powers and perform all the duties of such officers, agents or servants under this act.

Board may provide hospitals.

SECTION 5. That the board of health of said city shall have and is hereby invested with full power, when they shall deem it necessary for the protection of the city against any prevailing pestilential or contagious disease, to erect, purchase or lease such public hospitals as may be necessary; and said board, for this purpose, is hereby empowered by and with the consent of the councils of said city to take and appropriate such building or buildings and such ground, in such place or places, as they may deem necessary: *Provided*, That in case of the owner or owners of such building or buildings or grounds not agreeing with the board as to the price or rent thereof, the same shall be estimated and assessed by a jury of three freeholders, to be appointed by the court of common pleas of Allegheny county; and said board may make such rules, orders and regulations as may be deemed proper for the government of said hospitals, and to appoint such officers and servants as may be deemed necessary for such hospitals.

Appropriate buildings and ground.

Make rules and appoint officers.

Take measures to prevent spread of small-pox.

SECTION 6. Said board may take such measures as they may, from time to time, deem necessary to prevent the spread of small-pox, by issuing an order requiring all parties in the city, or any part thereof, to be vaccinated within such time as they shall prescribe; and all persons refusing or neglecting to obey such order shall be liable to a fine of not less than five nor more than twenty-five dollars: *Provided*, It shall be the duty of the board to provide, at the expense of the city, for the vaccination of such persons as are unable to pay for the same.

Cause nuisances to be abated.

SECTION 7. Whenever any nuisance shall be found on any premises within the city, contrary to any ordinance, the board are authorized, in their discretion, to cause the same to be summarily abated, in such manner as they may direct.

Take measures to preserve health of city.

SECTION 8. In case of pestilence or epidemic disease, or of danger from anticipated or impending pestilence or epidemic disease, or in case the sanitary condition of the city should be of such a character as to warrant it, it shall be the duty of the board to take such measures and to do and order and cause to be done such acts for the preservation of the public health, though not herein or elsewhere authorized, as they may in good faith declare the public safety and health to demand: *Provided however*, That the expenditures incurred under this section shall not exceed the appropriations made by the councils of said city for sanitary purposes.

Expenditures not to exceed appropriations.

#### PROHIBITIONS.

Persons affected with contagious diseases not to be turned into streets.

SECTION 9. No person shall be put out, remove or allow to be put out or removed from the premises or place occupied or owned by him, into any street or alley or other public place in said city, any person having any infectious or contagious disease; but such owner or occupant shall imme-

diately report such case to the health officer; and any person who shall violate any clause, or neglect to perform any duty required in this section, shall pay a penalty of not less than ten nor more than one hundred dollars, and may be confined in the county prison not exceeding sixty days.

Penalty for violating section.

SECTION 10. No person, master, captain or conductor in charge of any public or private conveyance, boat, vessel or railroad car shall, knowingly, bring into the city any person or persons diseased of cholera, small-pox, fever, or any contagious disease whatsoever, under a penalty of not less than ten nor more than one hundred dollars.

Penalty on railroad conductors, &c., for bringing to city persons having contagious diseases.

SECTION 11. No person shall erect or continue any privy within forty feet from any street or dwelling, shop or well of another, unless the same be furnished with a substantial vault, six feet deep, and made tight, so that the contents thereof cannot escape therefrom, and be sufficiently secure and enclosed, under a penalty of ten dollars, and the like sum for every week of the continuance thereof after the first conviction.

Penalty for erecting or continuing privies near streets, &c., contrary to certain regulations.

SECTION 12. No person shall suffer or permit any cellar, vault, private drain, pool, privy or sewer upon any premises belonging to or occupied by him to become nauseous, foul, offensive or injurious to the public health, under a penalty of not less than five nor more than fifty dollars, and a like penalty for every day the same shall continue after notice to remove and abate the same.

Penalty for permitting cellars, privies, &c., to become offensive

SECTION 13. No person shall be permitted to remove or cause to be removed, any portion of the contents of a privy well, excepting in carts or vehicles so constructed as to be air tight, and securely covered on the top; and if any person shall so do or cause to be done he shall forfeit and pay a fine of twenty dollars for each offence; and any constable or police officer is hereby authorized to seize and detain all carts, vehicles and horses actually taken with any person or persons detected in any violation of this section, and to deliver the same to the board for safe-keeping and as security for the payment of the penalty above prescribed.

How contents of privy wells to be removed.

How violation of section punishable.

SECTION 14. No person shall deposit the contents of any privy at any point within said city other than such as may be designated by the board for such purpose, or without a permit from the health officer, under a penalty of not less than ten nor more than fifty dollars.

Penalty for depositing privy dirt without permit, &c.

SECTION 15. Any owner or occupant of any oil refinery, tallow chandler's shop, soap factory, tannery, distillery, livery stable, cattle yard, or pen, barn, packing-house, slaughter-house or rendering establishment, who shall suffer the same to become nauseous, foul or offensive, shall pay a fine of not less than twenty-five nor more than one hundred dollars.

Penalty on oil refiners, tanners, &c., for permitting establishments to become offensive.

SECTION 16. If any person, persons or corporation shall own, occupy or keep any grounds or other premises in such condition as to be offensive and a nuisance to the neighborhood, such person shall pay a fine of not less than ten nor more than fifty dollars, and a like fine for every day such nuisance shall continue after the first conviction.

Penalty for allowing premises to become offensive.

Physicians to re-  
port patients labor-  
ing under infec-  
tious diseases.

Penalty for neglect.

Undertakers to  
make report before  
burying any per-  
son.

Penalty for ne-  
glect.

How bones, &c.,  
to be hauled  
through streets.

Penalty for violat-  
ing section.

Fines, actions for  
recovery of, and  
to whom paid.

Duties and powers  
of health officer.

Owners of premises  
to pay costs of  
abating nuisances,  
and fines.

SECTION 17. Every practising physician who shall have a patient under any malignant, pestilential or infectious disease shall forthwith make report thereof to the board, describing the street, number and locality of the house or place where said patient may be, and for neglecting so to do he shall be liable to a fine of fifty dollars for each and every offence.

SECTION 18. Every undertaker before burying any person who may have died in said city shall make report to the board, giving the name of such person, the locality, street and number where the body may be, and such other reasonable matters of information as the board may require, and for neglecting so to do he shall be liable to a fine of fifty dollars for each and every offence.

SECTION 19. That it shall be unlawful for any person, persons or corporation engaged in gathering, or hauling or carrying bones, greases, dead animals, offal or garbage, to do so without having the wagon, cart or vehicle in which the same is so carried or hauled tightly and securely covered to the satisfaction of the health officer; nor shall any wagon, cart or vehicle used for such purpose be suffered to stand in or upon any street, alley or public place of said city in any case not more than fifteen minutes; and any person, persons or corporation violating any of the provisions of this section shall be subject to a fine of not less than five nor more than fifty dollars for each and every offence.

SECTION 20. That all actions for the recovery of any of the fines provided for in this act shall be by summary convictions before the mayor or any alderman of the city, and all fines shall be paid to the treasurer of said city.

#### HEALTH OFFICER.

SECTION 21. The health officer shall carry out all the orders of the board and the laws of the state in relation to the sanitary regulation of the city. He shall, from time to time, make thorough and systematic examinations of the city and cause all nuisances to be abated. He shall be permitted at all times, from the rising to the setting of the sun, to enter into any house, store, stable or other building, and to cause the floors to be raised, if he may deem it necessary in order to a thorough examination of cellars, vaults, privies, sinks or drains, to enter upon all lots of ground, and to cause all stagnant waters to be drained off all pools, sinks, vaults, drains or low grounds to be cleansed, filled up or otherwise improved or amended, to cause all privies to be cleansed, and to cause all dead animals or any nauseous or unwholesome thing or substance to be buried or removed beyond the city limits, and the cost and expense thereof shall be collected from the owners of the premises, by penal action before the mayor or any alderman, in addition to which the owners or occupants of any such premises shall pay a fine of not less than ten nor more than one hundred dollars, and a like amount for every week in which the nuisance is continued after the first conviction: *Provided*, That notice to abate the said nuisance shall have been given a reasonable time

previous by the health officer to the occupant of such premises or the owner if known to him.

SECTION 22. It shall be the duty of the health officer to visit and examine all sick persons, who shall be reported to him as laboring under any infectious or pestilential disease, and under the advice of the physician to the board, and with the consent of the attending physician, cause all such persons to be removed to the hospital, or such other safe and proper place as he may deem fit, and cause them to be provided with nurses and medical attendance, at their own expense if they are able to pay the same, but if not, then at the expense of the city.

To visit persons laboring under infectious diseases.

May remove them to hospitals.

SECTION 23. It shall be the duty of the health officer, when directed by the physician of the board or by the board, to cause notice printed or written in large letters, to be placed upon or near any house in which any person may be affected or sick with small-pox, upon which shall be printed or written "small-pox here;" any person altering, destroying or tearing down such notice without the consent of the board or health officer, shall be subject to a fine of not less than twenty-five nor more than fifty dollars; the occupant of any house upon which such notice shall be placed shall be held responsible for the removal of the same, and if removed without consent as aforesaid, such occupant shall be subject to a fine of not less than twenty-five nor more than fifty dollars, unless he shall notify the board or health officer within twenty-four hours after the removal of said notice.

To place notice on houses containing persons sick with small-pox.

Penalty for tearing down notice.

Occupants of houses responsible for removal of notices.

#### OF THE PHYSICIAN.

SECTION 24. It shall be the duty of the physician of the board to report to the board the prevalence of any epidemic, infectious or contagious disease or other causes, which, in his opinion, may be detrimental to the public health, and to see that the orders of the board, in relation thereto, are obeyed as far as practicable; to attend the meetings of the board, and give such information as he may deem important or the board require, in relation to the sanitary condition and regulations of the city; to visit any person sick of any infectious, epidemic or contagious disease, when required to do so by the health officer or board; to vaccinate all persons not able to pay for the same; to perform such other duties proper to his position which may be required by the board.

Duties of physician.

APPROVED—The 19th day of May, A. D. 1873.

J. F. HARTRANFT.

No. 254.

#### AN ACT

To incorporate the Time Record Company of Pennsylvania.

SECTION 1. *Be it enacted, &c.,* That Francis M. Rogers, W. D. Hennen, John Gallagher, their associates and successors, be and they are hereby created and made a body politic and corporate, by the name, style and title of the Time Record ~~time~~ <sup>time</sup>.

Powers and  
privileges.

Company of Pennsylvania, and by that name shall have the right to sue and be sued, plead and be impleaded, in any court of law or equity whatever, to have a common seal, and to make and break the same at pleasure, to elect such officers, to make such by-laws, and alter or amend the same, create such officers, and to have, hold and use such personal estate as it may be deemed best by the board of directors necessary to carry out the provisions of this act.

Capital stock.

SECTION 2. The capital stock of said corporation shall consist of one thousand shares of one hundred dollars each, with the right to increase the same to an amount not exceeding twenty-five thousand shares of like amount, ten per centum of which shall be paid in at the time of organization, and the balance at such time as the directors may require within one year.

May borrow money  
on bonds.

SECTION 3. Said corporation may borrow money at a rate not exceeding seven and three-tenths per centum on bonds, either coupon or registered, to an amount not exceeding one-half of the capital stock, and may secure the same by a mortgage of its real estate, including these franchises herein conveyed or any part of them.

Management.

SECTION 4. The affairs of said corporation shall be managed by a president, and a board of four directors, who shall be elected annually, on the second Tuesday in May of each year.

Business.

SECTION 5. The corporation herein created shall have the right to print, publish and convey, by electricity or by other means, accurate and correct information as to the time, and shall have the right to occupy any public highway, street, alley, or lane, for the purpose of erecting public time pieces or indicators, with the consent of the parties interested in said erection, and may make such connections and purchase such patent rights, devices and inventions as may be deemed necessary to better carry out this act; and any person who shall interfere with the works or property of the company herein created, shall be deemed guilty of misdemeanor and punished by a fine not exceeding one hundred dollars, or an imprisonment not exceeding six months, or both, at the discretion of the court.

Penalty for inter-  
fering with com-  
pany's property,

Offices.

SECTION 6. The office of this company shall be located in the city of Philadelphia, but the company may have such branch offices and establishments as may be deemed proper.

Limitation.

Bonus and taxes.

SECTION 7. This corporation shall continue twenty years: *Provided*, That said corporation shall pay into the treasury of the commonwealth such bonus and taxes as are now or may hereafter be required by law, and the stockholders of said company shall be individually liable for all debts due mechanics, workmen and laborers employed by said company, and for all materials and provisions furnished to said company, to be sued for and collected as is provided in the twelfth, thirteenth and fourteenth sections of the act incorporating the Lackawanna Coal and Iron Company, approved fifth day of April, one thousand eight hundred and fifty-three.

Individual lia-  
bility.

APPROVED—The 19th day of May, A. D., 1873.

J. F. HARTRANFT.

No. 255.

## AN ACT

To repeal an act to incorporate the Eclipse Lubricating Oil Company, of the borough of Aladin, approved May twenty-seventh, one thousand eight hundred and seventy-one.

SECTION 1. *Be it enacted, &c.,* That the act, entitled "An Act to incorporate the Eclipse Lubricating Oil Company of the borough of Aladin," approved May twenty-seventh, one thousand eight hundred and seventy-one, be and the same is hereby repealed. Act repealed.

SECTION 2. That the state treasurer be and he is hereby authorized and directed to refund the taxes paid on said act, the same having been paid by mistake, the company being organized under the general manufacturing law, and the parties interested having paid taxes twice: *Provided*, That the parties interested first satisfy the governor and state treasurer that said taxes were paid in mistake: *Provided further*, That the governor first approve and direct the refunding of said taxes. State treasurer to refund taxes paid.

Proviso.

Proviso.

APPROVED—The 19th day of May, A. D. 1873.

J. F. HARTRANFT.

No. 256.

## AN ACT

To incorporate the Jonestown Bank, Jonestown, Lebanon county.

SECTION 1. *Be it enacted, &c.,* That William M. Kaufman, Jeremiah Heilman, William E. Brunner, Christian Lentz, David M. Runk, Henry Heilman, Thomas Leshner, Christian Eshleman, John Arndt, Cyrus P. Miller, W. Morris Weidman, J. G. Heilman, Rob't Bland, Reuben H. Steese, and their associates and their successors, shall be and they are hereby created a body politic and corporate, by the name and style of the Jonestown Bank, to be located in Jonestown, in the county of Lebanon, and by that name may sue and be sued, plead and be impleaded in any court whatsoever, may have a common seal, may renew or alter the same; also, may have the right to own and hold any real estate necessary for the transaction of their business, together with such as may be held by said bank as security for debts, or in satisfaction thereof, and improve or dispose of the same at pleasure. Corporators.

Name.

Privileges.

SECTION 2. The capital stock of said bank shall consist of one thousand shares, of the value of fifty dollars each, with the privilege of increasing the same by a vote of the directors to four thousand shares of like value per share; and when the capital stock is so increased, the stockholders shall have the right to take the shares authorized, in ratio to the number of shares they may have, at such price, not below the par value of the same, as the board of directors may name: *Provided*, That if such shares of new stock are not taken by Capital stock.



the stockholders within ten days after receiving notice of such increase, then the board of directors may dispose of such shares of such stock, in such manner, not less than par, as they may deem best.

Subscriptions.

SECTION 3. The corporators, or a majority of them, shall have power to open books for subscription to the capital stock, at such times and places as they may deem expedient: and when five hundred shares or more of said stock shall have been subscribed, and seventy-five per centum thereon of the same paid, the stockholders may elect a president and seven directors, to serve until the next annual election, or until their successors shall have been duly elected and qualified: vacancies arising from death, resignation or inability to serve, to be filled by the board: *Provided*, The balance of said one thousand shares and any increase of capital stock be paid within one year.

Election of president and directors.

Vacancies.

Payment of stock.

Banking privileges.

SECTION 4. The said bank shall have power, and may borrow or lend money for such periods as the said bank may think proper, may discount any bill of exchange, foreign or domestic, promissory note or other negotiable paper, subject to the general laws regulating the rate of interest, and the interest may be received in advance, and shall have the right to hold in trust or as collateral security for loans, advances or discounts, estate, real, personal or mixed, including the notes, bonds, obligations or accounts of the United States, individuals or corporations, and to purchase, collect and adjust the same, and to dispose of the same for the benefit of the said bank, or for the payment of the debts as security for which the same may be held, in any market of the world, and for such price and for such terms as may be agreed upon by the corporation and the parties contracting therewith.

By-laws.

SECTION 5. The board of directors shall make all by-laws necessary for properly conducting the business of the bank, not inconsistent with the laws of the state or of the United States, and shall have power to require payments of any amounts remaining unpaid on the stock of said bank, at such times and in such proportions as they think proper, and, after thirty days' notice, under a penalty in case of non-payment as required, of forfeiture to the bank of such stock and all previous payments thereon.

Forfeiture of stock for non-payment.

Further banking privileges.

SECTION 6. The said bank may receive money to keep for its depositors, either with or without interest payable thereon, and may buy or sell bullion, buy, sell, draw or negotiate bills of exchange, bills of lading, stocks and bonds of all companies, states and of the United States, or any other good and sufficient securities.

May act as treasurer and financial agent.

SECTION 7. That it shall be lawful for said bank to transact financial business as a natural person, and as such to become and act as a treasurer and financial agent of charitable and religious institutions and corporations, and as financial agent of the state of Pennsylvania and other states, city governments, and counties and districts, in the management of their business, and may give security to such institutions, states and governments for the faithful performance of the duties required.

SECTION 8. That said bank may take, receive, reserve and charge on any loan or discount made, interest at such lawful rate as is allowed by any general law of this state, now or hereafter regulating the rate of interest therein, and no more, and nothing in this act contained shall alter, change or affect the rate of interest provided for and established by this section.

Interest on loans and discounts.

SECTION 9. That it shall be lawful for said bank to purchase and convey real estate as follows: Such as shall be necessary for its immediate accommodation in the transaction of its business; such as shall be mortgaged to it in good faith by way of security for debts; such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings; such as it shall purchase at sales under judgments, decrees or mortgages held by such bank, or shall purchase to secure debts due to said bank; said bank shall not purchase or hold real estate in any other case or for any other purpose than is specified in this section, nor shall it hold the possession of any real estate under mortgage.

What real estate may be purchased and conveyed.

SECTION 10. The board of directors shall have power to declare and pay dividends, out of the earnings of the bank, to the stockholders, at such times and in such amounts as to them may seem proper.

Dividends.

SECTION 11. The annual election for president and directors shall be on the first Monday of May, of each year, unless changed by the by-laws of the bank; the directors shall have power to elect all officers or agents they may deem necessary for conducting the business of the bank, including president; stockholders shall be entitled to one vote for each share of stock, and may vote in person or by written proxy, but the proxy must be dated within six months of and five days prior to the election for which the proxy was given; five days' notice in one or more of the county papers shall be given of the time and place where such election will be held, and such election shall be held according to the by-laws.

Annual election.

Officers and agents.

Votes.

Notice of elections.

SECTION 12. The board of directors shall have power to pay, on application, the check, paper, receipt or order of any minor or married woman, such money, or any part thereof, as he or she may have deposited to his or her credit, or any interest or dividend accruing thereon, without the assent or approval of the parent or guardian of such minor or the husband, or creditors of the husband, of such married woman, and without the right to attach or in any manner interfere with any deposit, interest or dividend due thereon to such minor or married woman.

Payment of deposits to minors and married women.

SECTION 13. The said corporation shall pay into the treasury of the commonwealth such bonus and taxes as are now or may hereafter be required by law, and the stockholders shall be personally liable in double the amount of stock held by them to the depositors and creditors of said bank.

Bonus and taxes.

Individual liability.

SECTION 14. This charter shall continue twenty years, and the legislature reserves the right to alter, amend or revoke it at any time the interest of the commonwealth may require it: *Provided*, No injustice be done the corporators.

Limitation.

Reservation.

APPROVED—The 20th day of May, A. D. 1873.

J. F. HARTRANFT.

## No. 257.

## A FURTHER SUPPLEMENT

To the act, entitled "An Act to incorporate the South Mountain Railroad Company," approved the fifth day of May, one thousand eight hundred and fifty-four.

Provisions changing name, repealed.

SECTION 1. *Be it enacted, &c.,* That so much of the fourth section of the act, entitled "Supplement to the act, entitled 'An Act to incorporate the South Mountain Railroad Company,' approved the fifth day of May, one thousand eight hundred and fifty-four," approved March ninth, one thousand eight hundred and fifty-five, changing the name, style and title of said company to the name and title of the Harrisburg and Hamburg Railroad Company, be and the same is hereby repealed; and all acts, proceedings and matters heretofore done and transacted by said corporation, under the name, style and title of the South Mountain Railroad Company, are hereby ratified, confirmed and made valid and binding so far as the same are consistent with the provisions of the charter.

President and directors may borrow money.

SECTION 2. That in addition to the powers already conferred upon said company relative to making loans, the president and directors thereof shall have the power to borrow money, from time to time, in such sum or sums and at such rates of interest as they may think proper, for the construction of said railroad, or any branch or lateral roads authorized by its charter and supplements thereto, and the procuring of rolling stock for the same, and so pledge the said road or roads, rolling stock and franchises, or any part thereof, for the payment thereof: *Provided*, That said company shall not issue bonds of a less denomination than one hundred dollars, and the said bonds may be convertible into certified stock of said company at the option of the holder thereof or otherwise as the said president and directors thereof may elect: *And provided further*, That the mortgage given to secure the payment of any loan or loans for the construction of branch or lateral railroads as aforesaid, shall be the first lien upon such branch or lateral railroad or railroads.

Proviso.

Proviso.

May construct additional tracks, sidings, &c.

SECTION 3. That the said South Mountain Railroad Company shall have the right to project and construct additional tracks, sidings, turn-outs, depots, water stations, engine houses, shops, offices, telegraphs, and all necessary buildings, houses, shops and offices, together with platforms and schutes for loading and unloading ores, mineral and other natural and artificial products; and whenever the said company shall enter upon lands for the purpose aforesaid, they shall stake off and designate the boundaries of the same and make an accurate survey and draft thereof, upon which shall be based all legal proceedings for the recovery or adjustment of damages; and that the rights, powers and privileges conferred by this section shall not terminate with the completion of the main line of said railroad, but shall continue as corporate powers of said company.

To designate boundaries and make survey of lands entered on.

**SECTION 4.** That in all cases where said company and owners of land and materials cannot agree upon the amount of damages claimed, either for land or materials, the said company may tender a bond with sufficient security to the party claiming damages, the condition of which shall be that the company will pay, or cause to be paid, such amount of damages as the party shall be entitled to receive after the same shall have been agreed on by the parties, or assessed according to law: *Provided*, In case the party or parties claiming damages refuse to accept the bond or bonds tendered by said company, the said company, in such cases, present their bond or bonds to the court of common pleas of the proper county, or any one of the judges thereof, and if the said court, or any of the judges thereof, approve the security, they shall direct the said bond or bonds to be filed in the prothonotary's office of said court for the benefit of those interested; whereupon the said company may enter upon or take possession of such land and materials.

Proceedings in cases of disagreement as to damages.

**SECTION 5.** That in all cases in which the owners of lands and materials are minors, lunatics or habitual drunkards, it shall and may be lawful for the guardian or committee of such owners and the said company amicably to adjust the amount of damages to be paid, if they can agree; and on payment of the amount, it shall be lawful for such guardians or committees to release said company from all claims therefor, and to execute all necessary papers in the premises; in case said parties cannot agree, the said company may proceed as is provided for in the fourth section of this act.

Cases where owners of lands and materials are minors, lunatics, &c.

APPROVED—The 21st day of May, A. D 1873.

J. F. HARTRANFT.

No. 258.

### AN ACT

Conferring additional powers on the Pittsburgh Coal Exchange Company, a corporation, authorizing them to take means to preserve property in the pools of the Monongahela river and elsewhere, and providing for the expense of the collection thereof.

**WHEREAS**, Large quantities of property, consisting of steamboats, coal boats, barges, lumber and other property, which may at any time be lying in any of the pools of the Monongahela river, are at times exposed to great peril, in consequence of the rising of said river, and the formation of ice in said pools, and from other causes, and it is necessary to prevent the same from being lost or destroyed, that the ice formed in the said pools should be broken and other means taken to prevent loss:

Preamble.

*And whereas*, The expense of the same has heretofore been devolved on a few persons:

*And whereas*, The same should be borne by all having property in peril; therefore,

May take means to preserve property.

SECTION 1. *Be it enacted, &c.,* That the Pittsburg Coal Exchange Company, be and they are hereby authorized and empowered to employ any person or persons, and to use all such means as shall seem to them necessary, to break the ice that may at any time be formed in any of the pools of the Monongahela river, whenever there are any steamboats, coal boats, barges or other property lying therein, or to do anything which to them shall seem necessary for the safety of any of said property, at any time being in any of said pools or on said river, and the cost and expense of so doing shall be borne equally by all the owners of property thereby benefited, in accordance with the value of their said property.

Cost and expense to be assessed on property owners.

SECTION 2. That the said cost and expense shall be divided equally among said property owners, in accordance with the value of their respective property, by a committee of three persons, to be appointed by the board of directors of said company, and the sum assessed upon each of said persons shall be a valid lien to all intents and purposes upon his, her or their property so benefited.

May hold property until assessment paid, or recover same by suit.

SECTION 3. Said company may, by its agents, seize and hold all or any of said property, for the payment of the sum assessed against its owner, until the same is paid together with the costs of detention, or it may, at its option, sue for and recover the sum assessed against each, as debts of a like amount are now recovered in this commonwealth.

Directors may exercise powers granted.

SECTION 4. The board of directors of said company may exercise all the powers herein granted: *Provided*, That said corporation shall pay into the treasury of the commonwealth such bonus and taxes as are now or may hereafter be required by law.

Bonus and taxes.

APPROVED—The 21st day of May, A. D. 1873.

J. F. HARTRANFT.

## No. 259.

### A SUPPLEMENT

To an act incorporating the Newtown Gas Light Company, approved March eleventh, Anno Domini one thousand eight hundred and fifty-seven, to increase its capital, erect and operate water works, and change the name.

Name changed.

SECTION 1. *Be it enacted, &c.,* That the Newtown Gas Light Company shall hereafter be known as the Newtown Gas and Water Company, and by that name shall have all the powers and privileges incident to a corporation, and shall have power and authority to increase its capital stock to one hundred thousand dollars, with power also to issue coupon bonds in like amount: *Provided*, No bond shall be made for a less amount than one hundred dollars.

May increase capital stock.

Erect water works.

SECTION 2. That said company shall have power to purchase, erect, maintain and operate, with all necessary machinery and appliances, reservoirs, buildings, workshops, distributing and waste pipes, hydrants, fire-plugs and sup-

plies, as a first-class water works, with power also to hold in fee such real estate as may be necessary for the establishment and maintenance of their business.

**SECTION 3.** Said company shall have power by themselves, workmen or agents to enter upon such lands, enclosures, streets, lanes, alleys, roads and highways, to occupy, ditch and lay pipes for the distribution of water and gas, and to repair the same at any time thereafter. They shall, however, make compensation for damages to private property, and repair all public streets damaged or disturbed by them. They may, from time to time, introduce water and gas into private property and buildings, when requested to do so by the owners or occupants of houses, and shall have authority also to fix the rates and price per thousand feet for gas, and price per month or quarter for water supply, and to collect the money for the same as debts of a like character are now collected by the laws of this commonwealth, and to establish, as far as practicable, the same rules and regulations in all matters of the supply of such water and gas as are now in force by the water and gas departments of the city of Philadelphia; to be managed and governed as is provided by an act to provide for the incorporation of gas and water companies, approved the eleventh day of March, Anno Domini one thousand eight hundred and fifty-seven, and subject to all the restrictions and provisions, together with all the immunities, contained in the said act.

Enter upon lands, streets, &c., and lay pipes.

Damages.

Introduce water and gas into private property.

Rates and prices.

Rules and regulations.

How to be managed.

APPROVED—The 21st day of May, A. D. 1873.

J. F. HARTRANFT.

## No. 260.

### A SUPPLEMENT

To an act to divide the township of Covington, county of Luzerne, into two wards, approved seventeenth day of March, Anno Domini one thousand eight hundred and sixty-nine, relating to the collection of taxes and the election of school directors.

**SECTION 1.** *Be it enacted, &c.,* That at the next annual election of boards of school directors in the said township of Covington, each ward of said township shall elect its own board of school directors.

Election of school directors.

**SECTION 2.** That the assessment and collection of all township rates and levies within said township, shall be assessed and collected separately by each ward.

Collection of taxes.

APPROVED—The 22d day of May, A. D. 1873.

J. F. HARTRANFT.

No. 261.

## AN ACT

To annul the marriage contract between Brison W. Waddle and  
and Kate Waddle, his wife.

WHEREAS, On the thirtieth day of October, Anno Domini one thousand eight hundred and seventy-one, a marriage was celebrated between one Brison W. Waddle, a lad of seventeen years of age, and one Kate Marshall, a single woman of twenty-three years of age, the said Brison W. Waddle, in addition to his youth, being of weak mind, giddy and foolish, and the circumstances of the case disclosing a concerted system of undue influence and deceit, on the part of the woman, in connection with others justly obnoxious to good morals and the solemnity of the marriage contract, but insufficient to give the courts jurisdiction by reason of threats or undue influence; therefore,

SECTION 1. *Be it enacted, &c.*, That the marriage contract entered into between Brison W. Waddle and Kate Waddle, his wife, of the county of Lycoming, be and the same is hereby annulled and made void, and the said parties released and set free and discharged from said contract, and the duties and obligations thereunder, as fully, effectually and absolutely as if the said contract had never been made.

APPROVED—The 22d day of May, A. D. 1873.

J. F. HARTRANFT.

No. 262.

## AN ACT

Establishing a ferry across the Allegheny river, near the foot of Herr's  
island, in the county of Allegheny, for foot passengers.

Ferry authorized.

SECTION 1. *Be it enacted, &c.*, That James Omsler, his heirs and assigns, be and they are hereby authorized and empowered to keep, establish, maintain and operate a public ferry across the Allegheny river, from a point near the foot of Herr's island, in the city of Allegheny, on the north side of said river, to or near the foot of Twenty-sixth street, Pittsburgh, on the east side of said river.

To be kept in good  
order.

SECTION 2. That said James Omsler, his heirs and assigns shall own the same, and shall establish, maintain and keep up the said ferry and furnish all the needful facilities, either wharf, boats or other convenient approaches thereto, and shall provide good and substantial boats and careful ferrymen, who shall constantly, and as occasion may require, attend for the purpose of transporting foot passengers across said river: *Provided*, That not more than five cents shall be charged for conveying a passenger across said river, (except when said river is running heavy with ice, when they may charge double aforesaid fare:) *And provided*, That said ferry shall be subject to the general laws of this commonwealth relating to

Fare limited.

Subject to.

public ferries: *And provided further*, That anything pertaining to said ferry shall not interfere with the navigation of said river, nor with the rights of property owners on the same: *And provided further*, That said James Omsler, his heirs and assigns, be subject to pay the usual wharfage in either of aforesaid cities for any public landing used, and shall pay all damages which shall accrue to the owner or owners of any property which may be taken for a landing, to be assessed in the same manner as damages for opening of private roads are now by law assessed.

Navigation not to be obstructed.

Wharfage and damages.

SECTION 3. That if any person or persons shall wilfully pull down, cut, break, or in any way injure or destroy any post, ropes, chains, boats or other property belonging to said ferry, he, she or they so offending, shall each and every one of them forfeit and pay to the said James Omsler, his heirs and assigns, the sum of ten dollars, in addition to all damages sustained by the owner of said ferry, to be recovered as debts of like amount are by law recoverable.

Penalty for injuries to ferry.

SECTION 4. That all persons except the said James Omsler, his heirs and assigns, are hereby prohibited from using said river for the purpose of a ferry for foot passengers, within the distance of five hundred yards above and five hundred yards below the ferry hereby authorized; and any person or persons violating the provision of this section shall forfeit and pay to the said James Omsler, his heirs and assigns, for every passenger ferried over said river within the above mentioned bounds, the sum of fifty cents, to be recovered as the penalties in the third section of this act are recovered.

Penalty.

APPROVED—The 24th day of May, A. D. 1873.

J. F. HARTRANFT.

No. 263.

## AN ACT

Supplementing the several acts incorporating the borough of M'Keesport, extending its boundaries, et cetera.

SECTION 1. *Be it enacted, &c.*, That the boundaries of the borough of M'Keesport, in the county of Allegheny, be and hereby are changed and extended, and that hereafter the boundaries of said borough shall be as follows: Beginning at the Youghiogheny river at the southern boundary of the said borough; thence south by the course of the said river to the northern line of John Penney's land; thence easterly, direct through the lands of Evans, Powers, Stewart and others, to the private road at Guice's line; thence by said private road to the public road; thence by the same, along land of Guice, Arthurs, Soles and Faucett to the state road; thence west by the same to the intersection of the public road leading up Crooked run; thence due north to the Monongahela river; thence west by the course of the same to the eastern boundary line of said borough; thence by the original lines of said borough to the place of beginning.

Boundaries extended.



Privileges heretofore enjoyed, extended to territory annexed.

Laws relating to borough, continued and extended.

Divided into three wards.

First ward.

Second ward.

Third ward.

Wards separate election districts.

Where elections to be held.

First election.

Regular election.

Election of councilmen and other officers.

**SECTION 2.** That all the rights, privileges, powers and immunities heretofore enjoyed and exercised by the borough of M'Keesport, are hereby extended to all that portion of South Versailles township, in said county, added and annexed by this act to said borough; and all acts of assembly heretofore passed, referring or relating to the borough of M'Keesport, are hereby continued in full force and effect, except as hereinafter mentioned; and said acts are hereby extended and confined to the borough of M'Keesport as enlarged by this act.

**SECTION 3.** That said borough as described in the preceding section be and is hereby divided into three wards. The First ward shall be composed with the following limits: All that portion of the old borough lying on the north side of Sixth street, and a line extending from the eastern terminus of said street, along H. B. Sinclair's land, to the eastern line of said borough, as originally laid out. The Second ward shall be composed of the remaining portion of said old borough, and all that portion of said annexed district adjacent thereto and south of the public road leading from D. Speelman's house, east, to Guice's land. The Third ward shall be composed of all the remaining portion of said annexed district.

**SECTION 4.** That each of said wards shall be separate election districts, and all general and borough elections shall be held as follows: For the first and second wards, at the public school house, at the corner of Market and Sixth streets, in said borough, at separate windows of said house, over which shall be designated in large letters the number of the ward; and the present judge and inspectors of elections shall perform the duties of their respective offices in the ward in which they reside; and the present judge shall appoint a judge for the ward in which he is not a resident, and each inspector shall appoint an inspector for the ward in which he does not reside. The election for the Third ward shall be held at the public school house, in said ward, by the present judge and inspectors of the first precinct of south Versailles township; and all the said appointments to be made at least ten days before the holding of the said election, and the persons appointing shall give immediate notice to the persons appointed, and said appointed officers shall perform the same duties and be subject to all the laws and penalties relating to other election officers in said county of Allegheny: *Provided*, That the first election for officers under this act shall be held on the second Tuesday of October, Anno Domini one thousand eight hundred and seventy-three, and the terms of the present officers shall expire and their places shall be filled by the officers elected on the said second Tuesday of October, Anno Domini one thousand eight hundred and seventy-three, and the officers so elected shall continue in office until the third Friday of March, Anno Domini one thousand eight hundred and seventy-four, when the regular election shall take place.

**SECTION 5.** That the citizens within each of the said wards qualified to vote for members of the general assembly of this state, shall, on the days now provided by law for the election

of borough officers, and at the places hereinbefore designated, elect for each ward, by a majority vote, three councilmen, one to serve for one year, one for two years and one for three years; and also three school directors, one to serve for three years, one for two years and one for one year; and they shall annually thereafter elect for each ward one councilman and one school director to serve for three years each; and they shall annually elect one judge of elections, two inspectors, one assessor and one constable, and every third year two assistant assessors; and each ward shall also elect one alderman at the time required by law for electing the same; all of which officers shall be residents of the ward for which he or they have been elected, and they shall have the same duties to perform and rights, powers and immunities that the same officers now have by the laws of the said borough and of this commonwealth, and be subject to all the laws and liabilities relating thereto; and in case of vacancy by death, resignation, removal or otherwise of a member of the town council for any of said wards, the remaining members of the said ward shall fill such vacancy until the next succeeding borough election; the said citizens or voters of the said wards shall, at the time for electing borough officers aforesaid, also elect, annually, by a majority of votes, one resident citizen and voter of said borough for burgess thereof; and the judges and inspectors of said election shall make out and certify a correct return of the votes polled for burgess, and present the same to a meeting of said judges, to be held on the day succeeding the said election, in the council chamber of the said borough, at seven o'clock in the evening; and the said judges shall add up the returns and forthwith notify the persons having the highest number of votes who shall be declared burgess of said borough; and in case of a vacancy from any cause the said town council may elect one of their number to serve as burgess until the next succeeding spring election: *Provided*, That the school building now erected at the corner of Market and Sixth streets, in said borough, shall be used and occupied by the First and Second wards in common until such time as a suitable building shall be erected in said Second ward: *Provided*, That the duties, powers and authorities of the school directors of the present borough of M'Keesport and of South Versailles township, so far as pertains to that portion of said township hereby incorporated with said borough, shall cease and determine upon the organization of the directors elected in pursuance of this act, which organization shall take place at the time now provided by law, at which the duties as school directors shall commence.

Vacancies in council.

Election of burgess.

Vacancy in office of burgess.

Certain school building to be occupied by 1st and 2d wards in common.

When duties of present school directors to cease.

SECTION 6. Every ordinance which shall have passed the town council shall be presented to the burgess; if he approves he shall sign it, but if he shall not approve he shall return it with his objections in writing to the council, which shall proceed to re-consider it; if, after such consideration, two-thirds of all the members of the town council shall agree to pass the ordinance, it shall be binding and obligatory the same as if signed by the burgess; but in such case the vote

of ordinances.

of the council shall be determined by yeas and nays, and the names of the persons voting for and against the ordinance shall be entered on the minutes. If any ordinance shall not be returned by the burgess on or before the next regular meeting of council after it shall have been presented to him, it shall have the same force and validity as if signed by him; and in case of an ordinance becoming obligatory and binding without the signature of the burgess as aforesaid, the facts shall be certified to and signed by the clerk of council.

of the collection of  
borough tax.

SECTION 7. That in lieu of the mode now provided by law for the collection of the borough tax within the limits of said borough, the same shall be done as follows as soon after the organization of council in each and every year as practicable, and not later than the first day of June: The council shall fix the rate per cent. of the tax, and cause a duplicate of the same to be made out and placed in the hands of the borough treasurer who, thereupon, shall give notice by advertisement in the official paper of the said borough, and by fifty handbills conspicuously and properly posted, that the same is in his hands, and that he is ready to receive taxes. The newspaper published and printed in said borough having the largest circulation, shall be selected as the official paper for said borough. On all taxes paid on or before the first day of August, the treasurer shall allow an abatement of five per centum; on all paid subsequent to the first day of August, and prior to the first day of October, he shall receive the amount in full, and on all paid to him subsequent to the first day of October, he shall add ten per centum. On the first day of November in each year, the treasurer shall make out a list of delinquent tax-payers in each ward, with the amount due from each with ten per centum additional: *Provided*, That no additional amount shall be less than ten cents, and place the same in the hands of a constable of said ward, whose duty it shall be to receive the same under a penalty of fifty dollars, and the said treasurer is hereby authorized to issue to said constable his warrant to collect said taxes, granting them all the powers and immunities now invested by law in the collectors of county rates and levies: *Provided*, That no further or additional notice to tax-payers shall be required than the advertisement as aforesaid: *And provided further*, That it shall be the duty of said constables to proceed immediately to collect the same by levy, distress and arrest, in obedience to their warrants, and to make return of their warrants and the amount collected, within sixty days from the time the same are placed in their hands. The said treasurer and constables shall give judgment bond, with clause waiving exemption and stay, conditioned for the faithful discharge of their respective duties, and the prompt disbursement and payment of all the money belonging to the borough in their hands, according to law and the ordinances of the borough, in such amounts and with such security as council may prescribe.

Subjects of taxa-  
tion.

SECTION 8. That all property, offices, professions and persons made taxable by the laws of this commonwealth for county rates and levies, shall be taxable after the same man-

ner for borough purposes; and all taxes shall be based on the last preceding assessment for county purposes, a transcript of which it shall be the duty of the county commissioners of Allegheny county to furnish to the burgess of said borough on demand: *Provided*, That all tracts containing ten or more acres in the district hereto annexed to said borough and used for farming purposes, shall be marked "farm," and shall be assessed for school and borough purposes at one-third the rate at which property in said old borough shall be assessed, and all other tracts and lots in said annexed district shall, for a period not exceeding ten years from and after the passage of this act, be assessed for borough purposes at two-thirds of the rate at which property in said old borough shall be assessed and taxed: *And provided further*, That no tax shall at any time hereafter be levied and collected from said annexed district for the payment of any indebtedness now existing and chargeable to said old borough, nor shall any tax be levied or collected from said old borough for the payment of the whole or any part of the separate indebtedness of said annexed district, but the debts now owing by each shall be paid and discharged by a separate special tax levied thereon for that purpose: *Provided further*, That no gas tax shall be levied and collected from said annexed district until the gas has been introduced therein, and then only properties along the line of the streets where the same is consumed and within the distance of three hundred feet on either side thereof shall be assessed for gas.

Basls of taxation.

Rate of school and borough tax in annexed district.

Borough and district to pay their own separate indebtedness.

Gas tax.

SECTION 9. Authority is hereby given to the council of said borough, as soon as the same may be deemed expedient, to number all the houses and lots in any of the wards of said borough, and to place on street corners the names of the streets, in such a manner as may be deemed best, and to assess the cost of the same upon the owner of each house and lot numbered; the said assessment to be recoverable as other debts are now by law recoverable.

Council may number lots, and place names of streets on corners.

Cost thereof.

SECTION 10. That H. B. Sinclair, B. B. Coursin and John W. Stewart are hereby appointed commissioners, who, or a majority of them, are authorized and required to appoint one or more surveyors who are enjoined, as soon as conveniently may be, to survey and mark the lines of all streets, roads, lanes and alleys now opened or intended to be opened for public use within said borough, and also to survey and lay out such other new streets, roads, lanes, alleys and common sewers within said borough as they shall deem necessary for a regular and convenient town plan and for the more equal distribution and discharge of the waters thereof, and to regulate the heights of the streets and gutters, and the breadth of the foot-ways thereof; and for that purpose the said surveyor or surveyors shall have full power and authority to enter upon the lands of any person or persons within said borough; and when the said survey and regulation shall be completed the said surveyor or surveyors shall make two plans thereof, with every explanation necessary for a full understanding of the same, and one of said plans shall be returned to said commissioners who shall file the same

Of the survey and regulation of streets.

with the clerk of the said council, and the other of said plans shall be returned to the clerk of the quarter session court of said county, to be filed in his office for inspection and examination; and it shall be the duty of the said commissioners to give at least thirty days' previous notice in two newspapers, the official newspaper to constitute one, published in said county, and by handbills posted in at least ten of the most public places in said borough, that on a certain day, to be appointed by the court, the said court will hear any objections that may be made thereto by any freeholder of said borough, and when the said plans are deposited for inspection; and the said court shall, at the time appointed, adjudge and determine whether any and what alterations shall be made therein, and thenceforth all the streets, roads, lanes and alleys of said borough shall be forever deemed adjudged and taken to be public highways; and the survey and regulations so returned shall be recorded in the recorder's office of said county.

(Of the opening,  
 &c., of streets.

SECTION 11. That when the council of said borough shall deem it expedient to open any street, road, lane or alley so laid out therein, or to widen or extend the same, it shall be lawful for the said council to appoint three discreet and disinterested freeholders who, or a majority of whom, having been first duly sworn or affirmed, and after having given public notice in the borough newspaper, published in said borough, for at least two weeks previously, and by handbills posted on the line of the proposed street and in public places, shall proceed to view the premises proposed to be taken therefor, and having regard to both the advantages and disadvantages the owners of said premises may seem likely to sustain by the opening of such street, road, lane or alley, or the widening and extending of the same, shall award to the owners thereof such damages, if any they may seem likely to sustain, by the taking of the premises for the purpose aforesaid; and the said viewers, or a majority of them as aforesaid, shall assess and apportion the damages awarded as aforesaid, together with the costs and expenses of the view, and five per cent. additional upon the amount of the damages awarded, to cover expenses for legal services, fairly and equitably, upon all property of said borough which to them may seem likely to be benefited by the opening of such street, road, lane or alley, or the widening and extending of the same.

(Of street damages.

SECTION 12. That said viewers, when they shall have completed their duties as aforesaid shall, as soon thereafter as possible, present to said council a statement, setting forth therein the names of the owners of proper to whom damages have been awarded, together with the amount awarded to each, and also setting forth therein, the names of the property owners found to be benefited, and the amount apportioned and assessed to each; and they shall attach to said statement a plan of the street, road, lane or alley proposed to be opened, widened or extended, having marked thereon the lots and improvements which may suffer damages, and which may be benefited by the opening, widening or extending of such street, road, lane or alley; and said council shall

take action upon the said statement, and may quash the proceedings upon paying the costs and expenses of the view already incurred; but if the said statement shall be approved, the same shall be certified to the solicitor of said borough, whose duty it shall be to file the same in the common pleas court of said county, and give public notice in the official newspaper published in said borough, during two weeks, and by handbills, that the same is filed in said court, to which court any party feeling himself or herself aggrieved shall have the right of appealing, within six weeks from the time of filing said statement; and the said statement having been confirmed by the said court, shall be entered at large upon the records thereof, and the names of the persons to whom damages have been awarded, and whose apportionment and assessment for the payment thereof, together with the costs, and so forth, mentioned in the ninth section of this act have been made, shall be properly indexed; and the said apportionment and assessment shall be and remain a lien upon the property so found to be benefited as aforesaid, until the amounts so apportioned and assessed, with interest, expenses and the costs of court, shall be paid or tendered to the persons entitled to receive the same: *Provided*, That the lien of such apportionment or assessment shall not be divested by any judicial sale, as respects so much thereof as the proceeds of such sale may be insufficient to pay and discharge.

SECTION 13. That the apportionments and assessments made under the provisions of this act, if not paid within six months from and after the date of the confirmation thereof by the said court, with interest and costs of court and expenses, shall be recovered by writ of *scire facias* in the name of the commonwealth, for use of burgess and council of M'Keesport; and as soon as the damages and costs as aforesaid, so assessed and apportioned, shall have been paid to the persons entitled to receive the same, or into court to abide its order of distribution, said council may order such street, road, lane or alley to be opened, widened or extended, as the case may be, forthwith, and shall make such orders and resolutions as may deemed most suitable and expedient to have such street, road, lane or alley thrown open to public use and occupation.

SECTION 14. That the council of said borough be and hereby is authorized, whenever the same may be deemed necessary, to cause sewers to be constructed in any street, road, lane or alley of said borough; and for the payment of the costs and expenses of the same, said council is hereby authorized and empowered to make an assessment upon all property in said borough which may seem to said council benefited thereby, fairly and equitably, in proportion to the benefit received; said assessment shall be made by three disinterested persons to be appointed by said council; and when said assessment has been approved by said council it shall be a lien upon the property upon which it shall be made, and after public notice through the borough paper, if not paid within thirty days after the said approval, the amount of said assessment, with five per cent. added thereto, shall be

How apportionments and assessments to be recovered.

When paid, council may order streets to be opened, &c.

Of the construction of sewers.

collected by the solicitor of said borough, and by him deposited with the treasurer of said borough, subject to the order of said council, for which collection he shall receive the five per cent. added to the amounts collected by him: *Provided*, That the lien of such assessments shall not be divested by any judicial rate as respects so much thereof as the proceeds of such sale may be insufficient to discharge.

APPROVED—The 24th day of May, A. D. 1873.

J. F. HARTRANFT.

No. 264.

### A FURTHER SUPPLEMENT

To an act, entitled "An Act declaring the rivers Codorus and Conewago, in the county of York, public highways, and for other purposes therein mentioned," approved the twenty-seventh day of February, one thousand eight hundred and one.

SECTION 1. *Be it enacted, &c.*, That if any person or persons, body politic or corporate, shall put or place, or cause to be put or placed, or shall keep, or maintain, or cause to be kept or maintained, any obstruction whatsoever to the free and uninterrupted flow of the water of the Codorus creek, in the borough of York, in the county of York, adjoining his, her or their lands outside of the legal title to said lands, such obstruction shall be deemed and held to be a public nuisance, and such person or persons, body politic or corporate so offending, shall be indictable therefor in the court of quarter sessions of said county, and on conviction shall be sentenced to pay the cost of prosecution and to abate the said nuisance at his, her or their own proper cost.

APPROVED—The 24th day of May, A. D. 1873.

J. F. HARTRANFT.

No. 265.

### AN ACT

To repeal sections first and second of an act, approved April thirteenth, one thousand eight hundred and sixty-nine, entitled "An Act to amend an act, approved April eighth, one thousand eight hundred and sixty-eight, entitled 'An Act relating to liens of mechanics, material-men and laborers upon leasehold estates and property thereon, in the counties of Venango, Crawford and Warren, and declare the true intent and meaning thereof.'"

SECTION 1. *Be it enacted, &c.*, That sections first and second of an act, approved the thirteenth day of April, Anno Domini one thousand eight hundred and sixty-nine, entitled "An Act to amend an act, approved April eighth, one thousand eight hundred and sixty-eight, entitled 'An Act relating to liens of mechanics, material-men and laborers upon leasehold estates and property thereon, in the counties of Ve-

hango, Crawford and Warren, and declare the true intent and meaning thereof," and all subsequent acts and supplements, relating to the notice therein required to be given, by persons purchasing material or doing work for or about leasehold estates, of their intention to claim a lien upon said property for the price and value of such labor or materials, be and the same are hereby repealed: *Provided*, That the provisions of this act shall in no way repeal, modify or change any law now in force, except as to such notice aforesaid: *And provided further*, That the provisions of this act shall only extend to the county of Clarion.

APPROVED—The 2d day of June, A. D. 1873.

J. F. HARTRANFT.

No. 266.

### AN ACT

To incorporate the Knights Club of the city of Philadelphia.

SECTION 1. *Be it enacted, &c.*, That all and every the persons who shall, at the time of the passing of this act, be members of the association called the Knights Club, shall be and they are hereby created and declared to be one body politic and corporate by the name, style and title of the Knights Club, and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record or elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels, of what nature, kind and quality soever, real or personal or mixed, in the city of Philadelphia, or choses in action, and the same from time to time to sell, grant, devise, alien or dispose of: *Provided*, That the clear yearly value or income of the necessary houses, lands and tenements, rents, annuities or other hereditaments and real estate of the said corporation, and the interest of money by it lent, shall not exceed the sum of five thousand (\$5,000) dollars, and also to make and have a common seal, and the same to break, alter and renew at pleasure, and also to ordain, establish and put into execution such by-laws, ordinances and regulations, as shall appear necessary and convenient for the government of said corporation, not being contrary to this charter, and the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well-being of the said corporation, and the due management and ordering of the affairs thereof.

APPROVED—The 2d day of June, A. D. 1873.

J. F. HARTRANFT.



No. 267.

## AN ACT

To incorporate the Mail Publishing Company of Allegheny County.

Corporators.	<b>SECTION 1.</b> <i>Be it enacted, &amp;c.,</i> That Simon Dram, W. W. Ackly, W. D. Spiking, J. F. Livingston, A. Hartupée, Dick Fulton, James M'Brier, George D. Riddle, Frank A. M. Kreps, J. D. Ramsey, W. J. Kountz, Charles E. Speer, J. D. Scully, J. T. Hoekdale, W. C. Smythe, and such others as may be associated with them, are hereby constituted a body corporate by the name, style and title of the Mail Publishing Company of Allegheny County, to be located in the city of Pittsburgh or Allegheny, and as such shall have power to hold land and real estate, erect thereon such buildings, et cetera, as may be necessary to prosecute the newspaper, publishing, stereotyping, electrotyping, engraving, paper, stationery and printing business, to sell and convey their real estate, and to purchase, hold and sell such personal property as may be necessary to prosecute the objects of said company; the capital stock of said company shall be sixty thousand dollars, divided into shares of one hundred dollars each, with authority to increase the same to two hundred and fifty thousand dollars, in such manner as the directors shall determine: <i>Provided,</i> That the holders of three-fourths of the stock shall give their consent to such change.
Title.	
Location.	
Powers and privileges.	
Capital stock.	
Management.	<b>SECTION 2.</b> That the affairs of said company shall be managed by a board of five directors, from whom shall be elected by the board a president, a secretary and a treasurer; the directors shall be elected annually, on the second Tuesday in September, and on ten days' public notice being given; all elections shall be by ballot, and each share shall be entitled to one vote; a majority of directors shall be a quorum to transact business; and in case of a failure to elect, the directors shall continue in office until a new election is held: and in case of a vacancy occurring in the board of directors from any cause, the remaining directors shall fill such vacancies until the next annual election.
Election of directors.	
Quorum.	
Failure to elect.	
Vacancies.	
Further privileges.	<b>SECTION 3.</b> That the said corporation shall have authority to make and use a common seal, sue and be sued, plead and be impleaded in any court of this commonwealth or elsewhere, and to make all by-laws, rules and regulations, and appoint all agents necessary to carry on the business of the corporation.
Transfers of stock.	<b>SECTION 4.</b> That the stock of said company may be transferred agreeably to the by-laws, and that dividends may be declared and paid on all profits realized, but if the directors shall make a dividend of more than actual profits earned, the directors consenting thereto shall be individually liable for the excess so paid.
Dividends.	
Bonus.	<b>SECTION 5.</b> That the said company shall pay into the state treasury, a bonus of one-half of one per centum on the paid up stock, in four equal annual instalments, and such tax on dividends as is now or may be required by law.
Tax on dividends.	

SECTION 6. That the charter of said company, and all the powers, rights and privileges hereby granted to them, shall continue until altered, revoked or annulled, according to law by the general assembly of this commonwealth, any limitation under existing laws to the contrary notwithstanding. Charter.

SECTION 7. That the said corporation may issue bonds and sell the same at their market value, notwithstanding it may be less than par, which bonds may be secured by mortgage of the real estate and franchises of the company; but no bonds shall be issued for a less amount than one hundred dollars. May issue and sell bonds.

SECTION 8. That whenever the proceedings heretofore required to organize the new corporation have been completed, the same shall be certified to the governor of the commonwealth, who is thereupon to issue letters patent, certifying the complete organization of said corporation. Letters patent.

APPROVED—The 2d day of June, A. D. 1873.

J. F. HARTRANFT.

No. 268.

### AN ACT

Relative to the power of the Penn Avenue Building, Loan and Homestead Association to purchase real estate.

WHEREAS, The Penn Avenue Building, Loan and Homestead Association was incorporated by the court of common pleas of Allegheny county, at number seven hundred and eighty-three, March term, one thousand eight hundred and seventy-two, and the articles of association are recorded in Allegheny county, in a book, entitled "Charters," volume —, page —:

And whereas, In pursuance thereof the said association is about to purchase real estate situated in Allegheny county, for the benefit of said association:

And whereas, Doubts have arisen as to the power of said association to take title to real estate; now therefore,

SECTION 1. *Be it enacted, &c.*, That the said Penn Avenue Building, Loan and Homestead Association be and is hereby declared to be a body corporate in law, as fully as though the court of common pleas had power to incorporate said association, with all the powers and privileges herein mentioned, and that said association shall have power to purchase and take title in fee simple to real estate in Allegheny county, not exceeding the amount authorized by law for the purposes of said association, as expressed by the articles of association, and that said association be and is hereby authorized and empowered to sell and convey, in fee simple, to members or to others not members of said association, the whole or any part of the real estate which said association may purchase, either for cash or upon time, taking security by bond and mortgage on the property so sold for deferred payments of purchase money.

APPROVED—The 2d day of June, A. D. 1873.

J. F. HARTRANFT.

No. 269.

## AN ACT

To change the eastern line of the borough of Butler, in the county of Butler.

Extension of  
northern line of  
borough.

SECTION 1. *Be it enacted, &c.,* That the northern line of the borough of Butler, in Butler county, be extended eastward the distance of thirty perches to a post, thence south on a parallel with the present eastern line of said borough to a post at a point where the southern line of said borough extended eastward intersects the same, thence west to the present south-eastern corner of said borough.

Collection of taxes.

SECTION 2. That all taxes assessed shall be collected as though this act had not been passed.

APPROVED—The 2d day of June, A. D. 1873.

J. F. HARTRANFT.

No. 270.

## AN ACT

To establish the Mechanics' High School of Pennsylvania.

School established.

SECTION 1. *Be it enacted, &c.,* That there be and is hereby enacted and established, through the authority hereinafter named, an institution for the education and training of the youth of this commonwealth in the various branches of science, learning and practical mechanics, as they are connected with each other, and to be known by the name, style and title of the Mechanics' High School of Pennsylvania.

Name.

Management.

SECTION 2. That the said institution shall be under the management and control of a board of thirteen trustees, seven of whom shall be a quorum competent to perform the duties hereinafter authorized and required.

Trustees.

SECTION 3. That the governor of the commonwealth, superintendent of common schools, the chief of the bureau of statistics and labor, and the principal of the institution shall each be *ex officio* members of the board of trustees, and they, with John A. Grier, of Lancaster county, Andrew Burt, of Allegheny county, Wm. T. Hildrup, of Dauphin county, William Mann, of Mifflin county, George Coray, of Hyde Park, Luzerne county, Isaac Seltzer, of Chester county, Joseph Manuel and John M'Carty, of the city of Philadelphia, and Henry Snider, of the city of Williamsport, shall constitute the first board of trustees, which said trustees and their successors in office shall have perpetual succession by the name, style and title of the Trustees of the Mechanics' High School of Pennsylvania, by which name and title the said trustees and their successors in office shall be able and capable in law to take by gift, grant, sale by conveyance, bequest, devise or otherwise, any estate in any lands, tenements, hereditaments, goods, chattels, machinery or effects, and at pleasure to alien or otherwise dispose of the same, to

Powers and  
privileges.

and for the uses and purposes of the said institution; and the said authorities shall by their name and title have power to sue and be sued, and generally to do and transact all business touching or concerning the premises, or which shall be necessary incidental thereto, and to hold, enjoy and exercise all such powers, authority and jurisdiction as shall be deemed necessary for the success of said institution.

SECTION 4. That at the first meeting of the board of trustees the nine named who are not *ex officio* members, shall, by themselves and by lot, be divided into three classes of three each, numbered one, two and three; the appointment hereby made of class number one shall terminate on the first Tuesday of May, one thousand eight hundred and seventy-four, number two on the first Tuesday in May, one thousand eight hundred and seventy-five, and number three on the first Tuesday in May, one thousand eight hundred and seventy-six; and upon the termination of office of such trustees, to wit: On the first Tuesday of May, of each year thereafter, an election shall be held at Harrisburg until such institution shall be erected, and thereafter at said institution, to supply the place of such trustees whose term shall have expired; and such election shall be determined by the votes of the different county superintendents of the common schools of this commonwealth; and it shall be the duty of said board of trustees to appoint two of their number as judges to hold said election, to receive and count the votes and return the same to the board of trustees, with their certificate of the number of votes cast and for whom, whereupon the said board shall determine who have received the highest number of votes cast and who are elected.

Classification of first trustees.

Election of successors.

SECTION 5. That on the first Tuesday of May, after the passage of this act, the board of trustees herein named shall meet at Harrisburg, and proceed to the organization of the above institution, and if they deem it expedient the selection of the most eligible site within a reasonable distance of some manufacturing town or city for its location, where they may purchase or obtain, by gift or otherwise, a suitable tract of land, with or without improvements, as they shall deem proper, upon which they may procure such improvements and alterations to be made as will make it an institution properly adapted to the instruction of youths in the theory and practice of the different trades, according to the meaning and design of this act; they shall select and choose a principal for said institution, who shall, with such other attainments as the board shall deem necessary, be a good technical teacher, be with at least one learned practical mechanic, and such other professors and teachers as shall, from time to time, be employed, shall compose the faculty, under whose control the immediate management of the institution and the instruction of all the youths committed to its care shall be, subject however to the revision and order of the board of trustees; the trustees, in the absence of the proper facilities at the institution, may, through the faculty, make arrangements or contracts with any builder or builders, manufacturer or manufacturers or companies, engaged in any of the

Organization of institution.

Selection of site, &c.

Principal.

Faculty.

Trustees may contract for instruction of pupils.

	different trades within a reasonable distance of said institution, to have such pupil or pupils as may desire to be instructed in such particular trade as may be carried on by said parties to perform his or their part of the manual labor required by the rules of the institution at such shop, manufactory, place or railroad, as the case may be, subject to such rules and regulations as may be agreed upon; there shall be a quarterly meeting of the board of trustees at the institution, and as much oftener as shall be deemed expedient :
Meetings of trustees.	said trustees to receive ten cents per mile circular as mileage when attending to business of the institution; the board shall have power to pass all such by-laws, ordinances and rules as the good government of the institution may require, and therein require and prescribe what shall be taught to and what labors performed by the pupils, and generally to do and perform all such administrative acts as are usually performed by and with the appropriate duties of a board of trustees, and shall, by a secretary of their appointment, keep the minutes of the proceedings and actions of the board.
Mileage.	
By-laws, rules, &c.	
Minutes of proceedings.	<b>SECTION 6.</b> That it shall be the duty of the board of trustees, as soon and as often as the exigencies of the institution may require, in addition to the principal, to employ such other professors, teachers or tutors as shall be qualified to impart to pupils under their charge a knowledge of the english language, grammar, geography, history, mathematics, chemistry, physics, mechanical drawings and such other branches as will conduce to the proper education of mechanics; the pupils shall, themselves, at such proper time and seasons as shall be prescribed by the board of trustees, perform such mechanical labor as shall be deemed necessary to fit them for the particular trades for which they desire to become educated, it being the design of this act to establish an institution in which the youths of this commonwealth may be educated so as to fit them for the different mechanical vocations.
Board to employ teachers.	
Pupils to perform mechanical labor.	<b>SECTION 7.</b> That the board of trustees shall annually elect a treasurer, who shall receive and disburse the funds of the institution, and perform such other duties as shall be required of him, and from whom the board shall take such security for the faithful performance of his duties as they shall deem sufficient; and it shall be the duty of the said board of trustees to prepare, or have prepared, plans, specifications and estimates of buildings, ground, alterations or improvements, made or procured, or necessary to be procured, for the erection or establishment of such an institution, together with the probable cost of putting in operation and maintaining said institution, and report the same to the legislature of eighteen hundred and seventy-four, on or before the second Tuesday of January, and annually thereafter on the same day, report to the legislature in detail, a full account of the operations of the institution for the preceding year, including its receipts and disbursements.
Treasurer.	
Board to prepare plans and estimates of buildings, &c.	<b>SECTION 8.</b> That the board of trustees shall be allowed and permitted, from time to time, to establish such rates of tuition as will make the institution as near self-sustaining as
Report to legislature annually.	
May establish rates of tuition.	

they may deem expedient with the wants of society, and that they may establish such regulations as may be necessary to refund a portion of the tuition fees charged pupils, who, within three years after leaving said institution, shall produce satisfactory evidence before the board of having served a regular apprenticeship at the trade for which they were educated.

And regulations to refund portion of tuition fees.

SECTION 9. That whenever a vacancy shall occur in the board by death, resignation or otherwise, of any of the members not an *ex officio* member, the three *ex officio* members first named shall have power to appoint some person or persons to fill such vacancy or vacancies until the next annual election.

Vacancies in board.

SECTION 10. That the sum of three (3) thousand dollars, or so much thereof as may be necessary, be and is hereby appropriated to the use of said institution out of any money in the state treasury not otherwise appropriated; the warrant of the board of trustees, signed by the president and properly attested by the secretary, shall be sufficient voucher to the state treasurer to draw all money appropriated for the use of said institution; *Provided however*, That no money shall be drawn from the state treasury until the trustees shall have elected their treasurer and received the proper security from him.

Appropriation.

How drawn.

Provide.

APPROVED—The 3d day of June, A. D. 1873.

J. F. HARTRANFT.

No. 271.

AN ACT

Relating to the duties of the county treasurer of Clinton county.

SECTION 1. *Be it enacted, &c.*, That it shall be the duty of the present treasurer of Clinton county, in receiving from his predecessor in office such moneys as by law he is entitled to receive from the same, to credit him with such balance as may be due him for military orders paid by him as treasurer, and in like manner it shall be the duty of each preceding treasurer to give like credit to his predecessor, and the several accounts of said officers shall be audited accordingly: *Provided however*, That no interest shall be allowed upon said balances, but the county auditors shall allow interest on said military orders only up to the time when paid by the county treasurer.

APPROVED—The 5th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 272.

AN ACT

To incorporate the Philadelphia and Millville Steamboat Company.

SECTION 1. *Be it enacted, &c.*, That Calvin Taggart, J. L. Robeson, William C. Smyth, E. B. Taggart and John Curry, Corporators.

Title.	and such other persons as may become associated with them. be and they are hereby created a body politic in law, by the name, style and title of the Philadelphia and Millville Steamboat Company, for the purposes of transportation of passengers and freight on the Delaware river and tributaries, subject to the regulations of the United States custom house, and by such name and title shall have perpetual succession. and shall be capable of suing and being sued, impleading and being impleaded, and of holding, granting and receiving in its corporate name, property, real, personal and mixed : <i>Provided</i> , That the clear yearly rental of such real estate owned by said company shall not exceed five thousand dollars.
Purposes.	
Powers and privileges.	SECTION 2. The capital stock of the said company shall be twenty-five thousand dollars, divided into shares of one hundred dollars each, with power to increase the same, from time to time, by a vote of the stockholders, to an amount not exceeding seventy-five thousand dollars.
Capital stock.	SECTION 3. That the corporation shall be considered as organized immediately after the passage of this act, and the directors shall proceed to carry into effect the purposes thereof, and shall have power, from time to time, to make such by-laws, rules and regulations for the said company as to them shall seem expedient, and not inconsistent with the laws of the state or of the United States.
When to be considered organized.	SECTION 4. The corporators named in this act, or a majority of them, shall meet at such time and place as shall be designated by public advertisement two or more times in a daily paper of the city of Philadelphia, prior to said meeting, and shall elect, by ballot, five directors to serve for the ensuing year, and the said directors, a majority of whom shall constitute a quorum for the transaction of business, shall hold their offices until their successors shall have been elected.
By-laws, rules and regulations.	SECTION 5. The company shall pay into the treasury of the commonwealth such bonus and taxes as are now or hereafter may be provided by law.
Election of directors.	APPROVED—The 5th day of June, A. D. 1873.
Bonus and taxes.	J. F. HARTRANFT.

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No. 273.

### AN ACT

Supplementary to an act to incorporate the Williamsport Lumber Company, approved the second day of June, Anno Domini one thousand eight hundred and seventy-one, defining the corporate rights of said company and limiting its powers.

SECTION 1. *Be it enacted, &c.*, That it shall be lawful for the Williamsport Lumber Company to purchase, hold, sell, mortgage and lease lands and real estate, not exceeding two thousand acres, on such terms as said company may agree upon, and the capital stock of said company shall be limited

to one million of dollars; and said company shall pay such taxes on its capital stock, dividends, et cetera, as are now or may hereafter be imposed by the laws of this commonwealth on like corporations; and the stockholders shall be individually liable for the amount of their stock actually paid, in addition to their stock, for the payment of the debts of said company.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 274.

# AN ACT

To incorporate the German Improvement Company of Allegheny City.

SECTION 1. *Be it enacted, &c.*, That Simon Drum, Peter Bolster, John Stephen, G. P. Lang, Joseph Debacher, Thos. A. Weger, Peter Lanster, L. A. Hoffman, Fred. Lang, Michael Simon, Caspar Gang, James Stredford, Robert Pollock, and such other persons as they may hereafter associate with them, be and they are hereby constituted and declared a body corporate and politic in fact and in law, by the name of the German Improvement Company of Allegheny City, to have a corporate seal, to sue and be sued by their corporate name, and in their corporate name to purchase, hold, improve, sell or lease real estate, to lay out such real estate as they may purchase into lots, and establish roads, streets, lines or divisions, and to improve the same by the erection of buildings thereon, and the same, or any part thereof, to sell at such prices and on such terms as to them shall seem advisable, and to invest any surplus of funds in the treasury of the company in bonds, mortgages or other security.

SECTION 2. That said company shall no time hold more than five hundred acres of land, and be limited in their purchases to lands situate north of the Allegheny and Ohio rivers, in the county of Allegheny.

SECTION 3. The capital stock of said company shall consist of one thousand shares of one hundred dollars each, with privilege to increase the same to three thousand shares of one hundred dollars each, and shall be payable as the company by its by-laws shall direct.

SECTION 4. That said corporation shall have the right to fix the number of directors by their by-laws, a majority of whom shall be a quorum, one of whom shall be president, and they shall hold their office until their successors shall be chosen. The said company shall be and is hereby authorized to make such by-laws as will enable them to carry on the business of the same.

SECTION 5. That the office of said company shall be in the city of Allegheny, and that a branch office may be established in Pittsburg for the transaction of the business of the company.



Letters patent. SECTION 6. That the governor on the organization of the said company, shall issue letters patent to the aforesaid corporations or their successors.

Prohibition. SECTION 7. That nothing herein granted shall be construed into the power of discounting or of issuing their own notes as a bank currency or circulation: *Provided*, That the said corporation shall pay into the treasury of the commonwealth such bonus and taxes as are now or may hereafter be required by law.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 275.

### AN ACT

To incorporate the National Mineralizing Lumber Company.

Corporators. SECTION 1. *Be it enacted, &c.*, That Nathaniel Ellmaker, Jr., Paul P. Keller and G. B. Smith, and their successors, are hereby constituted a body politic, under the name, style and title of the National Mineralizing Lumber Company of Pennsylvania, with a capital of twenty thousand dollars, to be divided into shares of the value of one hundred dollars each, with the privilege to increase the same, by a vote of the stockholders at an annual or special meeting, from time to time, to an amount not exceeding five hundred thousand dollars, and with authority to have and use a common seal, and the same to change at pleasure, and by the style and title aforesaid shall be capable in law to sue and be sued, and the said association may make all needful rules, regulations and by-laws for the management of the business of the corporation, and upon the filing a duly proved certificate of the president and directors of said company in the office of the secretary of the commonwealth, may change the name of said corporation; the affairs of the company shall be managed by a board of directors not exceeding seven, who shall choose one of their number president, and another secretary and treasurer; the first board of directors of said company shall be elected by a majority of the corporators, and said directors shall afterwards be elected annually, at meetings of stockholders called for the purpose, and at such elections each share of stock shall entitle the holder thereof to one vote which may be cast either in person or by proxy.

Title.

Capital.

Privileges.

Directors.

Election.

Business. SECTION 2. The business of said association shall be confined to the preparation and preservation of lumber by such methods and in such manner as the board of directors may determine, and the management of such real estate as they may purchase for the use of the said association; and the said association shall have power to issue bonds at a rate of interest not exceeding eight per cent. per annum, not exceeding in amount of principal the capital stock of said company, and secure the same by mortgage on real and personal property and franchises of the corporation; *Provided*, That

May issue bonds.

said bonds shall not be issued for a less sum than one hundred dollars each, and shall be redeemable within twenty years: *And provided further*, That said corporation shall pay into the treasury of the commonwealth such bonus and taxes as are now or may hereafter be required by law.

Bonus and taxes.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 276.

## AN ACT

Relating to alleys in the city of Erie.

SECTION 1. *Be it enacted, &c.*, That whenever the construction of a sewer or the pavement of a side-walk or carriage way of any street, or part of a street, in said city, has been or shall be ordered by the councils, at the cost of the owners of the real estate fronting on the street or part of a street, and there is a common alley, not adopted as a street, fronting on the improvement, the cost of the construction in front of the alley shall be assessed upon the real estate in the block of land or lots benefited by the alley, in proportion to the advantages conferred by it.

How cost of constructing sewers, &c., to be assessed in certain cases.

SECTION 2. The amount to be paid by each owner shall be determined by three commissioners, to be appointed by the councils, who shall be sworn to discharge their duties justly and impartially; they shall examine the premises, hear the parties interested who on a public notice wish to attend the hearing, and report, with a plan of the block, the amount each is to pay; any party feeling aggrieved may appeal from the award of the commissioners to the city councils within twenty days; the amounts shall be collected by the councils. The bills for the services of the commissioners and other expenses shall be passed by the councils, and when paid shall be added to the amounts of the assessments and collected therewith.

Amounts to be paid, to be determined by three commissioners.

Appeals to council.

Bills for services, &c.

SECTION 3. After the first assessment, repairs and improvements shall be paid according to it, and the several parties, or their successors, treated as the property owners. On the petition of a majority of owners in number and value, the councils shall appoint commissioners to make a new assessment.

How repairs paid for.

New assessment.

SECTION 4. An alley may be improved on the petition to councils of a majority in number and value of the owners of a block of lots adjoining it, and the cost assessed on the owners and collected as hereinbefore provided for the improvement in front of an alley.

How alleys may be improved.

SECTION 5. The councils shall have entire control of the alleys of the city, whether public or private, so far as relates to keeping the same free from rubbish or obstructions of any kind, with power to cause them to be cleared at the expense of the person or persons so obstructing the same.

Councils to have entire control of alleys.

Repeat.

**SECTION 6.** The first section of the act, entitled "A further supplement to an act to incorporate the city of Erie," passed on the fourth day of April, one thousand eight hundred and seventy, is hereby repealed.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 277.

### AN ACT

To authorize the city of Erie to issue bonds for the purpose of retiring matured and maturing indebtedness of said city, and to consolidate her bonded indebtedness.

Councils may cause bonds to be issued.

**SECTION 1.** *Be it enacted, &c.,* That the select and common councils of the city of Erie shall be and are hereby authorized and empowered to cause to be issued bonds in the name of the city of Erie, with or without coupons, to an amount not exceeding one million dollars, (\$1,000,000) bearing interest at a rate not exceeding seven per centum per annum, to be used for the purpose of redeeming and retiring outstanding bonds of said city now due, or which may hereafter become due, and for no other purpose.

Form, amounts, &c.

**SECTION 2.** All bonds issued in pursuance of the foregoing authority shall be in such form and amounts and payable at such times and places as councils may by ordinance direct: *Provided,* They shall each be signed by the mayor, and countersigned by the comptroller, sealed with the corporate seal of said city, and attested by the clerk of the select council: *Provided,* Said bonds shall be issued in sums not less than one hundred dollars each.

Sale and exchange of bonds.

**SECTION 3.** When any bonds shall have been executed in pursuance of the foregoing authority, the same shall be sold in such manner as councils may direct, and the moneys received therefor shall be appropriated to the redemption of bonds due or overdue of said city, or the bonds so issued may be exchanged for other bonds of said city then due or to become due: *Provided,* That no bond shall be sold or exchanged for less than ninety per cent. of its par value.

Exempt from certain taxation.

**SECTION 4.** All bonds issued in pursuance of this act shall be exempt from county and local taxation.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 278.

### AN ACT

For the relief of Mary Wickley, widow of Robert Wickley, a soldier of the war of one thousand eight hundred and twelve.

**WHEREAS,** Mary Wickley is excluded from becoming a pensioner of the United States, by act of Congress, approved

February fourteenth, Anno Domini one thousand eight hundred and seventy-one, by reason of the records showing that said Robert Wickley was out but forty-two days during the winter season, from January first to February twelfth, one thousand eight hundred and fourteen; the roll further showing that one Samuel Wickley was out some twenty days in summer season, which is thought to have been an error in name:

*And whereas*, Said widow is in indigent circumstances, solely dependent on her daughter for support; now therefore,

**SECTION 1.** *Be it enacted, &c.*, That the state treasurer be and is hereby authorized and required to place the name of Mary Wickley on the list of pensioners, at the rate of eight dollars per month, from the first day of January, Anno Domini one thousand eight hundred and seventy-three, to continue for and during the term of her natural life.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

#### No. 279.

#### A SUPPLEMENT

To an act for the better protection of game and insectivorous birds within the county of Berks, approved March twelfth, Anno Domini one thousand eight hundred and seventy, extending the same to the county of Lebanon, and continuing for a further period certain provisions thereof.

**SECTION 1.** *Be it enacted, &c.*, That the provisions of an act, entitled "An Act for the better protection of game and insectivorous birds within the county of Berks," approved March twelfth, Anno Domini one thousand eight hundred and seventy, be and are hereby extended to the county of Lebanon, and that it shall not be lawful to kill, shoot, take, trap or aid in so doing, in the counties of Berks and Lebanon, any partridge or partridges for one year from the twentieth day of October, Anno Domini one thousand eight hundred and seventy-three: *Provided*, Nothing in this act shall be construed to prevent individuals or associations from gathering partridges alive by nets or traps for the purpose of preserving them over winter.

APPROVED—The 5th day of June, A. D. 1873.

J. F. HARTRANFT.

#### No. 280.

#### AN ACT

To authorize an additional judge for the district court of the county of Allegheny.

**SECTION 1.** *Be it enacted, &c.*, That from and after the first Monday of December, Anno Domini one thousand

eight hundred and seventy-three, the district court for the county of Allegheny shall consist of a president and two associate judges learned in the law, and at the general election, to be held on the second Tuesday of October next, and thereafter at such time or times as may be prescribed by the constitution and laws of this commonwealth, the qualified electors of said county of Allegheny shall elect one person learned in the law to act as the additional associate judge of said court, who shall enter upon the duties of his office on the first Monday of December aforesaid, and shall hold his office for the same length of time, and receive the same compensation, and have the same powers, duties, rights and authority, and be subject to the same laws in all respects as the other judges of said court.

APPROVED—The 5th day of June, A. D. 1873.

J. F. HARTRANFT

No. 281.

### AN ACT

To incorporate a company for the prevention of cruelty to dumb animals, in the county of York.

Corporators.	SECTION 1. <i>Be it enacted, &amp;c.</i> , That Samuel Small, Sr., Fitz James Evans, John B. Welsh, Doctor C. M. Nes, William Hay, Esq., George W. Wantz, Samuel Small, Jr., Rev. C. W. Thompson, Q. E. Small, Rev. H. E. Niles, W. M. Baum, D. D., James Kell, Esq., Charles Weiser, Rev. W. P. Orrick, John A. Wilson, and such other persons as may be associated with them in conformity to this act, and their successors, are hereby constituted and created a body politic and corporate in law, by the name of the York County Society for the Prevention of Cruelty to Animals, and as such, they shall have and enjoy all the rights, franchises and powers of a corporation, including the right to sue and be sued, to use a common seal, to receive legacies and donations, and to hold real estate, not exceeding in value the sum of twenty thousand dollars.
Name.	
Rights, franchises and powers.	
Objects.	SECTION 2. The objects of the said society are to provide effective means for the prevention of cruelty to animals, throughout the county of York, and for the enforcement of all laws heretofore or hereafter enacted for the protection of dumb animals; the said society is also empowered to erect and maintain fountains, tanks, troughs or other receptacles of fresh water, in eligible localities, for gratuitous distribution to the dumb creation, and to purchase, print and publish, and circulate such tracts and books as are fitted to promote the objects of the society, and to appoint or employ such agents as the board of managers may from time to time deem necessary.
May erect fountains, publish books, &c.	
Officers.	SECTION 3. It shall be the duty of the corporators, whose names are mentioned in the first section of this act, or any five of them, after notice published for five days in one news-

paper printed in the borough of York, to meet together and to elect a president, two vice presidents, a secretary, a treasurer, and thirteen persons who shall constitute a board of managers, in whom shall be vested the control and management of the affairs of the said corporation; and the board of managers may appoint such other officers as may be necessary for the transaction of the business of the society.

SECTION 4. In the month of January in every subsequent year, an election for officers and managers of said society shall be held in the borough of York, at such time and place, and after such notice, as the managers for the time being may deem proper; and the said managers and officers shall continue to act until their successors shall have been duly elected; at all such elections every person who shall have been elected by the board of managers a member of the society, and who shall within one year have paid the sum of one dollar to the treasurer thereof, for the use of the society, shall be entitled to give one vote. Elections.

SECTION 5. The said society, for fixing the terms of admission of its members, for the government of the same, for electing its officers and members, and for the general regulation and management of its affairs, shall have power to form a code of by-laws, not inconsistent with the laws of this state or of the United States, which code when formed and adopted at a regular meeting shall, until modified or rescinded, be equally as binding as this act upon the society, its officers and members. By-laws.

SECTION 6. The police force of the borough of York, as well as all the constables of the several wards, boroughs and townships of the county of York, shall, as occasion may require, assist the society, its members or agents, in the enforcement of all laws which are now or may hereafter be enacted for the protection of dumb animals, and the representatives and agents of said society are authorized to make arrests. Police to assist in enforcement of laws.

SECTION 7. All fines collected through the instrumentality of the society or its agents, for violations of the law, shall accrue to the benefits of the said society, and all fines collected in pursuance of this act in the county, be for the use of said society. Fines.

SECTION 8. The principal office of the society shall be located in the borough of York, with full power on the part of the society, to establish and locate branches at any place or places within the boundaries of the county of York. Offices.

APPROVED—The 5th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 282.

## A FURTHER SUPPLEMENT

To an act incorporating the borough of Jamestown, in the county of Mercer.

SECTION 1. *Be it enacted, &c.*, That to confirm the action of the burgess and town council of the borough of James-  
26 LAWS.

town, in their act of March thirty-first, one thousand eight hundred and seventy-three, in adopting and defining the grade on Liberty street in said borough, as profiled and mapped by James A. Leech, and the further extension and opening of streets in said borough, be and the same is hereby ratified and confirmed.

APPROVED—The 5th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 283.

### AN ACT

Extending the time for the payment of an additional tax on an act to authorize the burgess and town council of the borough of West Pittston, in the county of Luzerne, to levy and collect an additional tax, approved the thirteenth day of April, one thousand eight hundred and sixty-eight.

SECTION 1. *Be it enacted, &c.,* That the time to levy and collect an additional tax on an act to authorize the burgess and town council of the borough of West Pittston, in the county of Luzerne, to levy and collect an additional tax, approved the thirteenth day of April, one thousand eight hundred and sixty-eight, be and the same is hereby extended for five years, from the thirteenth day of April, one thousand eight hundred and seventy-three.

APPROVED—The 5th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 284.

### AN ACT

To repeal an act for the protection of rabbits and partridges in certain townships of Lancaster county, approved the twenty-ninth day of March, Anno Domini one thousand eight hundred and seventy-two.

SECTION 1. *Be it enacted, &c.,* That an act for the protection of rabbits and partridges in certain townships of Lancaster county, approved the twenty-ninth day of March, Anno Domini one thousand eight hundred and seventy-two, be and the same is hereby repealed.

APPROVED—The 5th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 285.

## AN ACT

Regulating the sale of berries and small fruit in Pittsburg and Allegheny markets.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act it shall and may be lawful for the producers and growers of small fruits and berries to expose the same in the markets of Pittsburg and Allegheny, in boxes, packages or basket, without having the said baskets, boxes or packages so tested by the sealer of weights and measures: *Provided however*, That all boxes, packages or baskets in which berries or fruit are thus exposed for sale, shall, before being so used, be first tested and properly branded by the sealer of weights and measures.

APPROVED—The 5th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 286.

## AN ACT

To authorize the overseers of the poor of Donegal township, in Butler county, to sell certain lot or lots of ground in the town of Millerstown, in said township.

WHEREAS, Elizabeth Emminger, deceased, did, in her lifetime, by a certain indenture made March twelfth, Anno Domini one thousand eight hundred and sixty-one, sell and convey to the overseers of the poor of Donegal township, in the county of Butler, a certain lot or lots in the town of Millerstown, in said township: Preamble.

*And whereas*, The citizens of said township are desirous that the overseers of the poor of the township of Donegal be authorized and empowered to sell the same; therefore,

SECTION 1. *Be it enacted, &c.*, That the overseers of the poor of the township of Donegal, in the county of Butler, and their successors in office, are hereby authorized and empowered to sell at public or private sale, and to execute good and valid deed or deeds to the purchaser or purchasers of the same all that certain piece, parcel or lot of ground situate in the town of Millerstown, in Donegal township, Butler county, Pennsylvania, known as the "Emminger property," and bounded and described as follows, to wit: On the north by Slippery Rock street, on the east by Butler street, on the south by an alley, and on the west by lot of John M'Cullough, with house and other buildings thereon erected. Authorized to sell lot.

SECTION 2. That the net proceeds of such sale be paid into the treasury of said township, to be appropriated and applied toward the support and maintenance of the poor of said township as the overseers of the poor of said township may direct: *Provided*, That ten days notice of said sale be How proceeds to be applied.



Notice of sale.

given by posting up handbills in the most conspicuous place near property.

APPROVED—The 5th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 287.

# AN ACT

To repeal so much of the act, entitled "An Act extending certain road laws in Susquehanna, Wayne and Wyoming counties, and in relation to paupers in Northampton, Schuylkill and Somerset counties," approved the fourth day of March, Anno Domini one thousand eight hundred and fifty, as relates to roads in the township of Canaan, in Wayne county.

SECTION 1. *Be it enacted, &c.*, That so much of the act, entitled "An Act extending certain road laws in Susquehanna, Wayne and Wyoming counties, and in relation to paupers in Northampton, Schuylkill and Somerset counties," approved the fourth day of March, Anno Domini one thousand eight hundred and fifty, as extended certain provisions of the Lenox township road law to Canaan and South Canaan townships, in the county of Wayne, be and the same is hereby repealed.

APPROVED—The 5th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 288.

# AN ACT

To repeal the ninth section of an act, entitled "An Act relating to the election of burgess and town council and other purposes, in the borough of Le Raysville, in the county of Bradford," approved the twenty-third day of May, Anno Domini one thousand eight hundred and seventy-one.

WHEREAS, The provisions of the aforesaid section of said act, and all questions growing out of the same, are by a general law of this commonwealth referred to the courts for adjudication; therefore,

SECTION 1. *Be it enacted, &c.*, That the ninth section of the act, entitled "An Act relating to the election of burgess and and town council and other purposes, in the borough of Le Raysville, in the county of Bradford," approved the twenty-third day of May, one thousand eight hundred and seventy-one, be and the same is hereby repealed.

APPROVED—The 5th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 289.

## AN ACT

To change the sixth section of an act, entitled "An Act for the protection of wild turkeys and squirrels, and for other purposes, in the county of Huntingdon."

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act the provisions of the sixth section of an act, entitled "An Act for the protection of wild turkeys and squirrels, and for other purposes, in the county of Huntingdon," approved the eighth day of April, Anno Domini one thousand eight hundred and sixty-seven, be and the same is hereby changed and altered so as to require in all cases the production by the person or persons claiming the premium therein mentioned, the head with the scalp thereon of any fox, wild cat or pole-cat for which such premium is claimed.

APPROVED—The 5th day June, A. D. 1873.

J. F. HARTRANFT.

No. 290.

## AN ACT

To amend an act, entitled "An Act to regulate medical practice in certain counties of this commonwealth," approved the thirty-first day of March, Anno Domini one thousand eight hundred and seventy.

SECTION 1. *Be it enacted, &c.*, That the second proviso appended to the second section of the act approved the thirty-first day of March, Anno Domini one thousand eight hundred and seventy, entitled "An Act to regulate medical practice in certain counties of this commonwealth," shall be understood to refer to and modify the section to which it is appended, and not the first section of said act, so far as the said act applies to the county of Lawrence.

APPROVED—The 5th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 291.

## AN ACT

Relating to the opening and collection of the cost of grading Willis street, in the city of Allegheny.

WHEREAS, The city of Allegheny has recently graded a street in said city, called Willis street, extending from Bell avenue to William Hamilton's line: Preamble.

*And whereas*, Doubts have arisen as to whether said street as graded, was ever dedicated or opened to public use, whereby the city may lose its rights to reimbursement for the expenses thereof; therefore,

Councils may enact ordinance opening street.

Appoint viewers to appraise damages.

Proceedings.

Cost and expense of grading already incurred.

Assessments to be liens.

**SECTION 1.** *Be it enacted, &c.,* That the councils of the city of Allegheny are hereby authorized to enact an ordinance opening Willis street in said city, as at present located and graded, of a width of forty feet, from Bell avenue to William Hamilton's line, and to appoint three viewers to view the premises, and appraise the damages, if any there be, and assess them upon the property benefited; all the proceedings of said viewers, and the action on their report, shall be as far possible the same as now provided for other cases of street openings in said city.

**SECTION 2.** That at any time after the passage of said ordinance, the councils of said city may direct that the cost and expense of said grading already incurred, shall be assessed upon the property abutting thereon, as in other cases of the grading of streets in said city, and with the like proceedings and process to collect the same.

**SECTION 3.** That said assessments shall be and remain liens upon the properties assessed, from the date of the making thereof until fully paid and satisfied, and shall not be divested by any judicial sale except for so much thereof as the proceeds of said sale shall be sufficient to discharge and pay.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 292.

### A FURTHER SUPPLEMENT

To an act, entitled "An Act to incorporate the Jersey Shore, Pine Creek and Buffalo Railway Company," approved the seventeenth day of February, Anno Domini one thousand eight hundred and seventy, repealing the proviso to the second section and authorizing connections with other railroads.

**SECTION 1.** *Be it enacted, &c.,* That the proviso to the second section of the act to which this is a supplement is hereby repealed, and the said railway company is hereby authorized to connect its road with any railroad or railroads now constructed or hereafter to be constructed in the state of New York, either by branches or by the extension of its main line beyond the terminus as fixed in the act to which this is a supplement: *Provided,* That this act shall not be construed to authorize any change in the southern connections of said road from those provided for in the act incorporating said company.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 293.

## AN ACT

Amendatory of an act, entitled "An Act amendatory of the license laws of this state," approved the eleventh day of April, Anno Domini one thousand eight hundred and sixty-two, so far as requires the number of newspapers in which appraisers lists may be published, to be limited to three, amending the same to extend the number to six newspapers.

SECTION 1. *Be it enacted, &c.*, That so much of the second section of an act, entitled "An Act amendatory of the license laws of this state," approved the eleventh day of April, Anno Domini one thousand eight hundred and sixty-two, as requires the publication of the advertising of the mercantile appraiser list of the names and classification of each person subject to license, to be confined to three papers in any city or county of this state, is hereby amended so far as relates to the city and county of Philadelphia, so that the advertising of said appraisers list shall not be made in more than six papers in like manner as therein provided for.

APPROVED—the 6th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 294.

## AN ACT

To limit the time for the report of road juries and for the repeal of an act, entitled "An Act relative to the qualifications and powers of road juries in the city of Philadelphia," approved May sixth, one thousand eight hundred and seventy, as well as the first section of the act of December twenty-seventh, one thousand eight hundred and seventy-one, a supplement thereto.

SECTION 1. *Be it enacted, &c.*, That hereafter jurors in road cases, appointed by the court of quarter sessions of the city of Philadelphia, shall make their report to the said court within three months from the time of their appointment. And in case any jury shall be unable to make their report within three months as aforesaid, application shall be made to the said court for a further extension of time, and if sufficient reason be shown to the said court it may, in its discretion, either grant, from time to time, a further extension of three months or any less time, or forthwith discharge the jury; and that the act of the sixth of May, one thousand eight hundred and seventy, entitled "An Act relative to the qualifications and powers of road juries in the city of Philadelphia," as well as the first section of the act, a supplement thereto, approved the twenty-seventh day of December, one thousand eight hundred and seventy-one, be and the same are hereby repealed.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 295.

## AN ACT

To divorce Phebe Jane Herbert, of Beaver county, from her husband  
Ralph E. Herbert.

SECTION 1. *Be it enacted, &c.*, That the marriage contract entered into between Phebe Jane Herbert and Ralph E. Herbert, of Beaver county, Pennsylvania, be and the same is hereby annulled and made void, and the parties released and discharged from said contract and from all the duties and obligations arising therefrom, as if they had never been joined in marriage.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 296.

## A SUPPLEMENT

To an act, entitled "An Act to incorporate the Pennsylvania Spring Car Seat Company," approved April twelfth, one thousand eight hundred and seventy-two, granting additional powers.

SECTION 1. *Be it enacted, &c.*, That in addition to the powers granted in the first section of said bill, the corporators, and their associates and successors, shall be fully authorized and empowered to manufacture any and all supplies for railroads or other manufactures that may hereafter be designated and determined upon by the directors or a majority of the stockholders in writing.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 297.

## AN ACT

To regulate the election of the town council of the borough of Pittston, and to confer additional powers on the same.

SECTION 1. *Be it enacted, &c.*, That at the annual election of councilmen for the borough of Pittston, in the year of our Lord one thousand eight hundred and seventy-three, there shall be elected six councilmen, two to serve for one year, two to serve for two years and two to serve for three years, and annually thereafter there shall be two councilmen elected to serve for three years, and also such councilmen as may be needed to fill any vacancies in the town council caused by death, resignation or otherwise.

Election of councilmen regulated.

Burgess and council may purchase fire apparatus, and erect buildings.

SECTION 2. The burgess and town council shall have and are hereby invested with authority to purchase fire hydrants and put them in place: *Provided*, That no hydrant shall be

connected with a water main of less than three inches internal diameter; to purchase hose, hose carriages, hooks and ladders, trucks for carrying the same, and such other fire extinguishing apparatus as shall, in the opinion of the burgess and council, be necessary for the use of said borough, and to erect buildings for storing and preserving the same; also to levy and collect annually, for three years, an additional tax to an amount not exceeding one per centum, and each year thereafter to an amount not exceeding one-half of one per centum, on the assessed valuation of all property now by law taxable for borough purposes, situate and being within five hundred feet of any fire hydrant, to be applied exclusively to such purposes.

Levy tax to pay for same.

SECTION 3. That the burgess and town council of said borough of Pittston shall have power and authority to levy and collect annually, for borough purposes, any tax not exceeding seven mills on the dollar on the assessed valuation of all property now by law taxable for borough purposes.

Also additional borough tax.

SECTION 4. That the burgess and town council of the borough of Pittston shall have power and authority to borrow any sum of money not exceeding five thousand dollars, for any length of time not exceeding five years, and to pay therefor any rate of interest not exceeding eight per centum per annum.

Borrow money.

SECTION 5. That all acts relating to said borough, inconsistent with the above, and are hereby repealed.

Repeal.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 298.

## AN ACT

To provide for the keeping in repair the side-walks along grounds within the borough of Quakertown, in the county of Bucks, that are used for farming purposes, and for the election of the town council of said borough in the same manner in which the board of school directors are elected, two in each year.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act, it shall be lawful for the town council of the borough of Quakertown, and they are hereby required to keep in repair the side-walks along the grounds within the limits of said borough that are used expressly for farming purposes, and pay the expense of the same out of the public treasury: *Provided*, The owner or owners thereof shall have first laid down a good and sufficient side-walk according to the present rules and regulations of said borough governing the side-walks thereof.

Council to repair side-walks.

Proviso.

SECTION 2. That the town council of the borough of Quakertown shall be elected as follows: Upon the first spring election held after the passage of this act, there shall be two councilmen elected to serve three years, two to serve two years, and two to serve one year, and two annually thereafter,

Election of councilmen regulated.

and all acts or parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 299.

## AN ACT

To provide for the creation of a board of examiners and the appointment of an inspector of steam engines and steam boilers for the county of Allegheny.

(Governor to appoint board of examiners.

SECTION 1. *Be it enacted, &c.*, That the governor is hereby authorized to appoint a board of commissioners in the county of Allegheny, consisting of five persons, either practically engaged in the manufacture of steam engines and steam boilers, or scientific experts familiar with the management of the same, who shall give their written consent to serve on such commission and constitute a board of examiners, without compensation, and perform the duties hereinafter provided.

(County commissioners to provide room, books, stationery, &c., for board.

Meeting of board.

To examine applicants for appointment of inspector.

SECTION 2. The commissioners of the county of Allegheny shall provide, in the court house of said county, a suitable room, together with such books, stationery, et cetera, as may be necessary for the accommodation of said board of examiners; and the said board of examiners shall meet in the room aforesaid, at such time as the governor may designate, before whom all applicants for inspector of steam engine and steam boilers in and for the county aforesaid shall appear and undergo an examination, in accordance with such rules as the said board may adopt, upon the construction of steam engines and steam boilers, the capacity of iron to safely withstand a given pressure, the general designing of steam boilers and the ability to manage the same, and in all other matters requisite to the proper qualifications of an inspector of steam engines and steam boilers in and for said county.

Make certificate to governor.

(Commission to issue.

May be revoked.

SECTION 3. The said board of commissioners shall certify to the governor, in writing, the name or names of the person or persons who, upon due examination received, is or are fully qualified and competent to fulfill the duties incumbent upon the inspector of steam engines and boilers, as prescribed by this act; whereupon the governor shall commission one person to serve as inspector of steam engines and steam boilers in and for the county of Allegheny; said commission to be for a term of two (2) years from the first day of May next; said commission may be suspended or revoked upon satisfactory evidence being presented to the governor of incompetency or inability from any cause to fulfill the duties of his office; should said commission at any time be revoked, the governor shall fill such vacancy in the manner prescribed for the appointment of inspector in this act.

SECTION 4. It shall be the duty of the inspector carefully to examine and inspect all stationary engines and steam boilers erected or in use at the time this act shall go into effect, and thereafter no stationary steam engine or boiler shall be erected and put in use and operation in the county of Allegheny without being first inspected and certified to be competent and safe under the hand and seal of the inspector created by this act; and he shall furnish to the owner or owners, or other persons using such engines and steam boilers, a certificate under the hand and seal of his office, that it has been so inspected and found to be competent and safe; he shall, from time to time, and as often as he may deem expedient, examine all or any such engine or steam boilers in use or in operation, and for such purpose he may enter upon any premises and may require the removal of any part of the building or machinery, and he shall note in a book to be kept for that purpose, the result of every such examination, and it shall be his duty at least once in every year, to make such examinations, give certificates of the result thereof whenever required.

Duties and powers of inspector.

SECTION 5. The inspector shall have authority to appoint one skilled and competent assistant inspector, who shall serve during the term of said inspector's appointment; said assistant, however, shall be subject to suspension or dismissal by the inspector, but no such suspension or dismissal be made, except for cause given; such inspector shall give bonds in the sum of ten thousand dollars, with security, to be approved by the court of common pleas of Allegheny county; and the said inspector and assistant, if appointed, shall, by the court aforesaid, be duly sworn or affirmed to perform the several duties of their respective offices, and that they will not accept any money, gift, gratuity or consideration whatever, from any person or persons whomsoever, during their term of office, except such as shall be prescribed in this act; and upon conviction of a violation of such oath or affirmation before the court of quarter sessions, he shall be subject to a fine not exceeding two thousand dollars, and to undergo an imprisonment not exceeding one year, both or either, at the discretion of the court.

May appoint assistant.

To give bonds.

Be sworn.

Penalty for violating oath.

SECTION 6. The inspector, by himself or assistant, shall personally, at least once in every year, examine each stationary steam boiler within the county aforesaid, with reference to the following particulars: First, the setting; second, the form and construction; third, thickness and kind of plates employed; fourth, he shall enter into or cause the same to be done, and examine their apparent condition as regards imperfections, wear or injury; all new boilers hereafter made, whenever they are constructed in whole or in part of wrought iron sheets riveted together, shall have maker's name and the quality of the material stamped upon each sheet, in accordance with the inspection laws of the United States for steamboats; he shall also inspect the feeding apparatus, together with the various attachments required to be placed on the boilers, and their pipe connections he shall also test each boiler by hydrostatic test, to a pressure one-third greater

Further duties and powers of inspector.



than that at which the boiler is to be used, as specified in his certificate; in like manner he shall be authorized at any time to examine the weight on the lever of the safety-valves of any boiler, to see that the "P," or ball is not of greater weight than that authorized by law.

To give certificate of inspection.

SECTION 7. In case the inspection proves satisfactory, the inspector shall furnish the certificate to that effect, with his signature and seal attached, which certificate shall state the maximum pressure at which the boiler shall be worked, and such other conditions as he shall deem essential to the safety and competency of the boiler; if such inspection has been made by the assistant, the certificate shall be signed by said assistant and countersigned and sealed by the inspector; if at any time the inspector shall deem the engine-driver incompetent or unreliable he may withhold or withdraw his certificate.

When same may be withheld or withdrawn.

To report to governor.

SECTION 8. The inspector shall report semi-annually to the governor of this commonwealth the number of boilers examined, and the receipts and expenditures of his office; he shall examine into the cause of all disasters and explosions occurring to boilers within the limits of Allegheny county, and shall promptly report the same to the governor.

Examine into causes of explosions, &c.

Of appliances to be connected with boilers, and other requisites.

SECTION 9. There shall be for each boiler, or series of connected boilers in the county aforesaid, an efficient feeding apparatus, and in case there is but one such apparatus, and it is worked by an engine employed for other purposes, whose feeding apparatus shall be of such character and construction that it can be examined and repaired in all its parts while the engine is in motion. Each boiler shall have upon it three gauge cocks, and in addition thereto some visible means of indicating the water level. Every boiler, when fired separately, and every set or series of boilers, when placed over one fire, shall have attached thereto without the interposition of any other valve, one or more safety valves, the aggregate area of which shall have such relations to the area of the grate, and the pressure within the boiler, as shall be fixed in a schedule to be prepared by the inspector; and every safety valve shall have an arm or beam distinctly notched and marked with five pound or ten pound divisions, and shall have but one "P" or ball for a weight. The weight of said "P" or ball is to be determined by the inspector, the pounds and ounces of which shall be stamped or plainly marked on the weight or on the lever, and a record of the same shall be kept in the office of the inspector, and the arm shall not have a greater length than will allow the "P" to be placed so as to produce on the boiler the maximum pressure which the certificate authorizes to be carried. There shall be for each boiler, or series of boilers connected in one range, at least one good and reliable steam pressure gauge attached without the intervention of any valve except its own. Every range of boilers over one fire shall be so connected by feed and steam pipes that a uniform level of water may be maintained therein.

Not to be interested in manufacture or sale of appliances.

SECTION 10. The inspector or his assistant shall not, directly or indirectly, be interested in the manufacture or sale

of any of the appliances connected with steam engines or steam boilers.

SECTION 11. The inspector shall have a common seal, and shall have an office in the city of Pittsburg, and he shall also procure such accurate gauges, pumps and other testing apparatus as he may deem necessary. Seal, office, and testing apparatus.

SECTION 12. The inspector shall notify in writing the owner, user or users of any stationary steam boiler within the county aforesaid, that he will, within thirty days of the date of such notice, inspect the same, and the owner, user or users may select the day for the inspection as may be most convenient within the time so designated: *Provided*, That in the manufacture of perishable products, where loss might occur in the stoppage of the engine, the inspection may be made at the time of the annual stoppage for repairs of such works. He shall, besides the annual inspection herein provided, inspect the boiler of any person or persons using the same upon their written application at any time, ten days notice having been previously given. To give notice of inspection.  
Owners and users of boilers may select day.  
Proviso.  
To inspect, also, on application made.

SECTION 13. The inspector shall receive the sum of three dollars for every stationary steam boiler so inspected by him, the same to be paid by the person or persons, firm or company having the boiler in use. Fees.

SECTION 14. All persons owning or using any stationary steam boiler within the limits of the county aforesaid, shall, within thirty days after notice published in the newspapers of the city of Pittsburg by the inspector, report in writing to the office of the inspector the location of every boiler in use by him or them, and the business or purpose for which said boiler is used; the owner or user shall, in like manner, notify the inspector of any new steam boiler proposed to be erected or operated, so that the same may be inspected before using. Owners and users to make report to inspector.

SECTION 15. This act shall go into effect on and after the first day of May next; and if any person shall on or after the first day of September next, maintain, or keep in use or operation, or shall thereafter put in use or operation any stationary steam engine or boiler, within the limits of the county aforesaid, without having first received a certificate that the same has been found to be safe and competent as is hereinbefore provided for, or shall put or keep in use or operation any such stationary or steam boiler, within the county aforesaid, after notice from the inspector that the same is not competent and safe, he, she or they so offending shall be deemed guilty of a misdemeanor, and upon conviction in the court of quarter sessions for the aforesaid county shall be sentenced to pay a fine not exceeding five thousand dollars, and to undergo imprisonment either with or without labor as the court may direct, for a term not exceeding two years, and each and every person shall be liable for all damages that may accrue directly or indirectly to any person or persons whatever. When act to go into effect.  
Penalty for maintaining engine or boiler without having certificate as to safety, &c.

Repeal.

SECTION 16. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 300.

## AN ACT

To incorporate the Universal Printing Association.

Corporators.	SECTION 1. <i>Be it enacted, &amp;c.</i> , That W. F. Dawson, John Gallagher, W. Anderson, W. W. Bell, and such other persons as they may associate with them, their successors and assigns, are hereby created a corporation, under the name, style and title of the Universal Printing Association, with a capital of twenty-five thousand dollars, to be divided into five hundred shares of the value of fifty dollars each, with the privilege of increasing the same to an amount not greater than five thousand shares, and with authority to have and use a common seal, the same to change at pleasure, and by the name, style and title aforesaid shall be capable in law to sue and be sued in any court whatever, and may hold real and personal estate in fee or for any less estate, and the said association may make all needful rules, regulations and by-laws for the management of the business of the association; the office of said corporation shall be in the city of Philadelphia.
Title.	
Capital.	
Privileges.	
Directors.	SECTION 2. The affairs of said corporation shall be managed by a board of five directors who shall choose one of their number president, another secretary and another treasurer, and said directors shall be elected annually at such place and time as the by-laws may fix, and at such elections each share of stock shall entitle the holder thereof to one vote, which may be cast either in person or by proxy, and and said directors and officers shall serve until their successors are chosen and qualified in accordance with the by-laws.
Election.	
Business.	SECTION 3. The business of the said association shall be confined to printing and publishing in all its branches, and the management of such real estate as may be purchased for the use of the association; and the said association shall have power to borrow money and to issue bonds therefor, to be secured by mortgage upon its real and personal estate and franchises, not to exceed the capital stock of the corporation and at a rate of interest not to exceed eight per centum per annum: <i>Provided</i> , That said bonds shall not be issued for a less sum than one hundred dollars.
May borrow money and issue bonds.	
Bonus and taxes.	SECTION 4. This corporation shall pay into the treasury of the commonwealth a bonus of one-fourth of one per centum on the capital stock, in two equal instalments, the first whereof shall be paid within one year from the date of the approval of this act, and in addition thereto shall pay such other taxes as are now or may hereafter be required by law.

**SECTION 5.** The company to organize on the payment of one-half of the capital stock, which being under oath certified to the governor by any two of the aforesaid corporators, he shall issue letters patent creating the shareholders into a corporate body, and the corporation to exist for the term of twenty years and no longer.

When to organize.

Letters patent.

**SECTION 6.** That said company shall have power by themselves or agents to contract with others, or by themselves, to conduct the business of advertising, whether in the public press or periodicals, or by the posting of such notices or placards or advertisements in such public places as they may select; and the wilful erasure, destruction or mutilation of any the notices, placards or advertisements of said company, shall be a misdemeanor, punishable upon conviction with fine not exceeding five hundred dollars and imprisonment no longer than six months, or both, at the discretion of the court.

May contract for advertising.

Punishment for mutilating advertisements, &c., of company.

**SECTION 7.** That the stockholders of the said company may and are hereby authorized to change the name and title of the company, which change shall be valid after the filing of a certificate in the office of the secretary of the commonwealth, signed by the president and attested by the seal of said company.

Stockholders may change name.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

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No. 301.

### A SUPPLEMENT

To an act to authorize the Pennsylvania Railroad Company to occupy certain portions of Delaware avenue, in the city of Philadelphia, for railroad purposes, and make connection therewith, and to acquire property near or convenient to the said avenue for depot and other railroad purposes, approved the twelfth day of March, Anno Domini one thousand eight hundred and seventy-three, authorizing the said company to occupy any portion of Delaware avenue between the north side of Dock street and the south side of Christian street, in said city, for railroad purposes, with the consent of the councils of said city.

**SECTION 1.** *Be it enacted, &c.,* That it shall and may be lawful for the Pennsylvania Railroad Company, with the consent of the select and common councils of the city of Philadelphia, to construct a double track railroad upon any portion of Delaware avenue, between the north side of Dock street and the south side of Christian street in said city.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 302.

## AN ACT

Supplementing the charter of the Wood's Run Savings Fund and Loan Association of the County of Allegheny, conferring discounting privileges, &c.

**Preamble.** WHEREAS, Public notice has been given by publication for six months of the intended application of Wood's Run Savings Fund and Loan Association of the County of Allegheny, for an enlargement of its corporate powers; therefore,

**May invest in negotiable paper.** SECTION 1. *Be it enacted, &c.,* That the said Wood's Run Savings Fund and Loan Association be and the same is hereby authorized to invest and employ a portion of its capital and assets in the purchase of promissory notes and other negotiable paper in addition to the other securities now authorized by law, and the proviso to the fifth section of the act of May twenty-third, Anno Domini one thousand eight hundred and seventy-one, (P. L. 1061,) be and the same is hereby suspended for the period of twenty years and no longer.

**Capital stock may be increased.** SECTION 2. That the capital stock of said association may be increased to any sum not exceeding five hundred thousand dollars at any time, by a vote of three-fifths of the stockholders for such increase, at a meeting called for that purpose: *Provided,* That should the stock be increased under the provisions of this section, the whole par value of such increase shall be paid in by the subscribers within one year from the time of subscription.

**When to be paid in.** SECTION 3. That said bank may take, receive, reserve and charge on any loan or discount made, interest at such lawful rate as is allowed by any general law of this state, now or hereafter regulating the rate of interest therein and no more, and nothing in this act contained shall alter, change or affect the rate of interest provided for and established by this section.

**Interest on loans and discounts.** SECTION 4. That it shall be lawful for said bank to purchase, hold and convey real estate as follows: Such as shall be necessary for its immediate accommodation in the transaction of its business; such as shall be mortgaged it in good faith by way of security for debts; such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings; such as it shall purchase at sales under judgments, decrees of mortgages held by such bank, or shall purchase to secure debts due to said bank.

**What real estate may be held.** SECTION 5. The legislature reserves the power to alter, annul or revoke the powers granted by this act, whenever in their opinion the interests of the citizens of this commonwealth require it.

**Reservation.**

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

## No. 303.

## A SUPPLEMENT

To an act, entitled "An Act regulating lateral railroads," approved the fifth day of May, Anno Domini one thousand eight hundred and thirty-two, in the county of Armstrong.

SECTION 1. *Be it enacted, &c.,* That the provisions of the act to which this is a supplement, shall be extended to embrace owners of furnaces and all kinds of manufacture of iron, so that such owners may erect lateral railroads from their works to their mines, in the same manner as if they were connecting their mines with a railroad. Act extended to owners of furnaces.

SECTION 2. That the provisions of said act shall also apply to navigable streams, so that owners of land may construct lateral roads from their mines to all navigable streams under the provisions of the act to which this is a supplement: *Provided,* That the provisions of this act shall only apply to the county of Armstrong. To apply to navigable streams.  
Provide.

APPROVED—The 6th day of June, A. D. 1873.

J. F. HARTRANFT.

## No. 304.

## AN ACT

To incorporate the Independent Order of Odd Fellows' Mutual Life Insurance Society of Pennsylvania.

SECTION 1. *Be it enacted, &c.,* That Edward Bassler, Daniel S. Boyer, Wm. H. Dill, James W. Knight, Esquire, Jackson W. Gaugler, Doctor B. Franklin Waggenseller, Jeremiah Crouse, Benjamin F. Arnold, of the county of Snyder and state of Pennsylvania aforesaid, and B. W. Rumberger of Philadelphia, Pennsylvania, their associates, successors and assigns, are hereby created a body politic and corporate in law, under the name, style and title of the Independent Order of Odd Fellows' Mutual Life Insurance Society of Pennsylvania, and by that name shall have perpetual succession, shall have a corporate seal and shall be able to sue and be sued, implead and be impleaded, in all courts of record of this commonwealth or elsewhere, to receive and invest all moneys in stocks, bonds, mortgages or other security, as the said corporation, their successors or assigns, may deem proper, and to sell, mortgage and re-invest the same according to the laws of the state of Pennsylvania. Corporators.  
Title.  
Powers and privileges.

SECTION 2. That it shall be lawful for the said corporation to purchase, hold and convey real estate: What real estate may be held.

*First.* Such as shall be requisite for its immediate accommodation in the convenient transaction of its business.

*Second.* Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted or for moneys due; or

*Third.* Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or

*Fourth.* Such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts.

**Membership.**

SECTION 3. Any person under the age of sixty-five years may become a member of the said association, under such rules and regulations as shall be adopted as by-laws of the company, and by signing an agreement to pay a *pro rata* proportion on the death of any member, which each member shall be liable for, and in default thereof, after thirty days' notice, shall cease to be a member and forfeit all right, title and interest in said company, together with the amounts he or she may have previously paid.

**Officers.**

SECTION 4. The corporators aforesaid shall have the power to appoint a president, vice president, secretary and treasurer, or such other officers as may be required to carry out the objects of said corporation, to serve until an election shall be held for the same, and also to ordain, establish and put in execution such by-laws and regulations as may be necessary for the government of said company, not in contradiction of the charter or of the constitution of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well-being of the company and the due ordering and management thereof.

**By-laws and regulations.**

APPROVED—The 11th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 305.

**AN ACT**

To lay out a state road from Indiana to Rural Village, in Armstrong county.

**Commissioners appointed to lay out road.**

SECTION 1. *Be it enacted, &c.,* That John Stewart, Sidney Mortin, of Indiana county, and Thomas Mortin, of Armstrong county, are hereby appointed commissioners for the purpose of laying out and making a state road, commencing at the borough of Indiana, Indiana county, thence on the best route to Rural Village, Armstrong county.

**Draft to be made and filed.**

SECTION 2. That when said road shall have been surveyed and located, it shall be the duty of said commissioners, or a majority of them, to make a draft of the same which shall be filed of record in the court of quarter sessions of the counties of Indiana and Armstrong, and when so filed said draft and the record thereof shall be legal evidence in all things relating to the same; that any two of said commissioners shall be deemed a quorum, and sufficient to do anything authorized to be done by this act, having a due regard to a straight and easy road, with the power to locate said road in part on roads now opened by law; the said commis-

**Quorum.**

**Power to locate.**

sioners shall receive two dollars per day for each day they shall be necessarily engaged in the performance of their duty under the provisions of this act; they shall employ a practical surveyor at the rate of three dollars per day, and two chain bearers at one dollar and fifty cents per day: *Provided*, That one of the commissioners may act as the surveyor, but he shall not receive more than three dollars per day as commissioner and surveyor; before entering upon the duties required by this act, the commissioners and surveyors shall be sworn or affirmed before a justice of the peace to perform all the duties required of them truly and fairly, which account shall be settled and paid by the commissioners of the proper county in proportion to the time employed in each county.

Compensation.

Surveyor and chain bearers.

Commissioners and surveyor to be sworn.

SECTION 3. It shall be the duty of supervisors, or other officers having charge of the public roads in the several townships through which said road shall pass, upon a written notice being given by any person interested in its use, to open, construct and keep in order and good repair said road, under a penalty of fifty dollars for neglecting the same, to be collected before any justice of the peace in the county where said officer resides.

Duties of supervisors.

SECTION 4. The commissioners appointed by this act, shall file vouchers for their per diem pay and other necessary expenses, with the commissioners of the counties through which said road shall pass, who shall adjust the same, and pay them as other accounts and orders are paid, by warrants on the treasurer or otherwise: *Provided*, That neither of the said counties be liable to pay a greater proportion of the said expenses than for the work done or service rendered within said county.

Vouchers for expenses to be filed and paid.

Provide.

SECTION 5. That said commissioners shall meet within ninety days after the passage of this act, and proceed to view and locate said road, and if a vacancy should occur by reason of resignation or otherwise, the remaining commissioners may fill the vacancy by appointment of a suitable person or persons.

Meeting of commissioners.

Vacancies.

SECTION 6. It shall be the duty of the commissioners to assess all damages sustained by owners of land, by reason of said road, and said damages are to be paid as is now provided by law.

Damages.

APPROVED—The 11th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 306.

## A SUPPLEMENT

To an act incorporating the West Ward Passenger Railway Company, approved May fifteenth, one thousand eight hundred and seventy-one.

SECTION 1. *Be it enacted, &c.*, That the directors of said company shall be and they are hereby authorized to secure

How scrip for borrowed money may be secured.



the scrip for money borrowed under the power given by section sixth of said act, by mortgage of the road and corporate franchises of the company: *Provided*, That the money borrowed shall not exceed the sum of twenty thousand dollars, as limited by the charter.

Charter ratified  
and made valid.

SECTION 2. That the payment of the enrollment tax to the state treasurer December twenty-third, Anno Domini one thousand eight hundred and seventy-two, on the charter, shall be held valid and good, notwithstanding the same was not made within the year as the law provides, and that said charter is hereby ratified and made valid as fully as if said tax had been paid within the time limited by law.

APPROVED—The 12th day of June, A. D. 1873.

J. F. HARTRANFT.

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No. 307.

### A SUPPLEMENT

To an act to incorporate the National Mutual Insurance Company, approved the twenty-third day of March, Anno Domini one thousand eight hundred and sixty-six, changing the amount of capital stock and the plan from mutual participation to stock, and authorizing a change of corporate title and authorizing an increase of powers to insure against loss or damage by lightning, hurricane, freshet, inundation, explosion, et cetera.

SECTION 1. *Be it enacted, &c.*, That said corporation shall have the capital stock of its organization fixed at one hundred thousand dollars, divided into shares of fifty dollars each, with the right to increase the same, from time to time, to an amount not greater than fifty thousand shares of like value, as provided for in the general act of April second, one thousand eight hundred and fifty-six, referred to in the act to which this is a supplement; and said corporation may or may not have its affairs conducted on the mutual plan or the participation plan, as proposed in the act to which this is a supplement, as the stockholders may determine; and the corporate name, style and title of said corporation may be changed by a vote of two-thirds of the stockholders, and the officers of said corporation by their signatures, upon oath or affirmation, shall attest said fact to the secretary of the commonwealth; and said corporation shall have the right to make insurances against loss or damage by lightning, hurricane, freshet, explosion of steam boilers, inundation or any other event, and may increase the number of its directors to any number that the stockholders may from time to time determine: *Provided*, The same is not greater than forty.

APPROVED—The 14th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 308.

## AN ACT

To authorize the Susquehanna Coal Company to purchase or lease, and to hold additional coal lands and such other property, for the purposes of wharves and coal yards, as may be expedient for the transaction of their business, and to build a toll-bridge across the Susquehanna river.

SECTION 1. *Be it enacted, &c.*, That the said the Susquehanna Coal Company, be and they are hereby authorized to purchase and hold in fee simple or any other less estate, a quantity of coal lands, additional to those now held by them, not exceeding ten thousand acres, and also such parcel and parcels of real estate, either in or out of this state, as they may deem expedient, for wharves, landings, coal yards or other facilities for the transaction of their business in mining and selling coal, and to connect their property on the opposite sides of the Susquehanna river, at or near Nanticoke, in Luzerne county, by the construction of a bridge for railroad, wagons and other purposes, and to charge toll for the use thereof.

APPROVED—The 14th day of June, A. D. 1873.

J. F. HARTRANFT.

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No. 309.

## A SUPPLEMENT

To an act, entitled "An Act relating to roads, highways and bridges," approved the thirteenth day of June, Anno Domini one thousand eight hundred and thirty-six, repealing the fifth section of said act so far as it relates to the town of Milford, in the county of Pike, laid out by the late John Biddis, esquire.

SECTION 1. *Be it enacted, &c.*, That the fifth section of the act relating to roads, highways and bridges, approved the thirteenth day of June, Anno Domini one thousand eight hundred and thirty-six, be and the same is hereby repealed so far as the same applies to the town of Milford, in the county of Pike, laid out by the late John Biddis, esquire: *Provided*, This act shall not affect any suit now pending in Pike county.

APPROVED—The 20th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 310.

## A SUPPLEMENT

To an act, entitled "An Act to authorize the governor to appoint an auctioneer for the borough of Hazleton, Luzerne county," approved the fifteenth day of March, Anno Domini one thousand eight hundred and seventy, declaring the true intent and meaning thereof.

SECTION 1. *Be it enacted, &c.*, That nothing contained in the act of assembly, entitled "An Act to authorize the governor to appoint an auctioneer for the borough of Hazleton, Luzerne county," approved the fifteenth day of March, Anno Domini one thousand eight hundred and seventy-two, shall be construed to give the auctioneer appointed under the provisions of the said act, the sole and exclusive right to sell real or personal property by vendue or public outcry, in the borough of Hazleton and township of Hazle, in Luzerne county; and it hereby declared to be the true intent and meaning of the said act, that the residents of the said borough of Hazleton and township of Hazle may lawfully employ the said auctioneer or any other person to sell real or personal property, in the said borough or township, by vendue or public outcry, and may lawfully act themselves as auctioneers in the sale of their own real or personal property situated in the said borough or township.

APPROVED—The 20th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 311.

## AN ACT

To authorize the burgess and town council of the borough of Ebensburg to sell certain real estate.

WHEREAS, By act of assembly, approved the eighteenth day of April, one thousand eight hundred and sixty-four, it was made the duty of the supervisor of each township through which the Ebensburg and Susquehanna plank road passed, to take charge of and put in good order and repair such part of said plank road as may be in their respective townships, and maintain and keep in order all such part of said road:

*And whereas*, A great portion of said plank road is within the limits of the borough of Ebensburg, upon which road the borough has expended a large amount of money under the provisions of said act:

*And whereas*, The said plank road company have not resumed the control of any portion of road as provided in said act:

*And whereas*, The said plank road company had caused to be erected within the limits of said Ebensburg borough, a toll-gate house for the use of said company; therefore,

**SECTION 1.** *Be it enacted &c.,* That the burgess and town council of the borough of Ebensburg shall sell and convey such estate as the said plank road company had or may have in the said toll-gate house and appurtenances, for the purpose of the said borough, for the amount expended in repairing and keeping in order each part of said plank road.

**APPROVED**—The 20th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 312.

### AN ACT

**Appointing** John Strominger, Jacob M. Kilmore and Henderson Bear, trustees for the purpose of erecting a Lutheran church in Fairview township, York county, and authorizing them to sell the materials of a dilapidated Lutheran and Presbyterian meeting house near by, and use the proceeds on the materials in the erection of a church for the Lutheran and other congregations.

**WHEREAS**, George Ensminger, of the township of Newberry, in the county of York, and state of Pennsylvania, on the seventh day of January, Anno Domini one thousand seven hundred and ninety-two, (1792) executed a deed to John Felker and Jacob Reiff, their heirs and successors, as trustees of the Presbyterian and Lutheran congregations of the townships of Newberry and Warrington, in the county of York, for about one acre of land, upon which the said congregations soon after erected a house of worship, which for many years on account of its dilapidated condition has been unfit for use: Preamble.

*And whereas*, Michael Wollet, late of the township of Fairview, in said county, deceased, set apart in his lifetime a lot of ground in said Fairview township, for the purpose of having erected thereon a Lutheran church, to be used, however, by other congregations on funeral occasions; therefore,

**SECTION 1.** *Be it enacted, &c.,* That John Strominger, Jacob M. Kilmore and Henderson Bear be and the same are hereby appointed trustees for the purpose of erecting a church on said lot for the use of said Lutheran congregation. Trustees appointed.

**SECTION 2.** That the said trustees or their successors, who shall be elected by a majority of the contributors for the building and support of said church, annually, on the first Saturday of February of each year, shall have power and they are hereby authorized to remove the aforesaid house of worship, and appropriate the materials thereof, or sell the same, which said materials or the amount realized from the sale of the same shall be used in the construction of a church on the lot as aforesaid, and for the purposes before mentioned: *Provided*, That the said trustees or their successors, shall, before selling the said dilapidated church, give security in double the value of the said church, fixed by two appraisers to be appointed by the court of common pleas of May remove house, and appropriate materials.  
Or sell same.  
How proceeds to be used.  
To give security.

Advertise sale.

York county, for the faithful performance of the trust, (the security to be approved by the said court,) and also advertise the sale of the same, if the trustees decide to sell at public outcry, by at least ten written or printed handbills, to be posted in the most public places in the neighborhood of said church.

APPROVED—The 27th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 313.

### AN ACT

Supplemental to an act, entitled "An Act to incorporate the Madison Improvement Company," approved the ninth day of May, Anno Domini one thousand eight hundred and seventy-one.

Name changed.

SECTION 1. *Be it enacted, &c.,* That the name of the Madison Improvement Company, incorporated by an act of the general assembly of the commonwealth of Pennsylvania, approved on the ninth day of May, Anno Domini one thousand eight hundred and seventy-one, be and the same is hereby changed to the United States Guarantee and Railway Construction Company.

Capital stock may be changed.

SECTION 2. The capital stock of said company may, at the option of the stockholders, or a majority in value thereof, be changed from currency to a gold basis, and be divided into shares of not exceeding one thousand dollars and not less than one hundred dollars each, and the same may be increased from time to time, by the issue of additional shares, in such amounts as may be fixed, not exceeding one thousand dollars nor less than one hundred dollars each, as said company may see fit; the said corporation, in addition to the powers and privileges heretofore granted by the act aforesaid, shall have power.

May be increased.

Additional powers conferred.

*First.* To hypothecate or sell the securities received in payment for work done and to be done; to use the same to the best advantage in the interest of the company; to execute contracts made by other railroad or construction companies, on such terms and conditions as may be agreed upon by the parties and be approved by a majority of the stockholders.

*Second.* To purchase, own, manage, transfer and convey all and every kind of real and personal property, which may be needful in enhancing or improving the value of the company's property, or of such property as the company may receive in payment or acquire in settlement of its claims or rights, or purchase or take possession of under and by right of foreclosure of mortgages for the benefit of the company; to issue bonds, to sell and dispose of the same, and to execute mortgages and deeds of trust and secure the payment thereof: *Provided however,* That at no time shall the amount of such bonds outstanding exceed the par value of bonds of full paid shares of railroad stock, and of mortgages held and received by the company for work done or to be done,

and of the market value of its real estate; all collaterals pledged or to be pledged as security for the company's issue of bonds are to be placed in the hands of trustees, and may be changed from time to time in the joint discretion of the company and the trustees: *Provided*, The securities pledged shall not thereby be lessened; the collaterals pledged or to be pledged as security for the company's issue of bonds, shall only consist of the bonds and full paid shares of stock in such railroads as the company has or may have constructed and equipped, or acquired by purchase, or of such real estate or mortgages on improved or unimproved real estate as may be acquired by the company in the progress of its business.

*Third.* To execute and deliver all such notes, bonds, contracts and obligations in writing as may be deemed necessary for the business of said company, the same to be signed by the president and treasurer of the company, and to bear the seal of the company.

SECTION 3. All the powers of said corporation shall be exercised and its business and affairs shall be conducted and managed by a board of fifteen directors, except as provided in this act. The said directors shall have the management of the company's affairs, and a majority thereof shall constitute a quorum for any business, and a majority of those present at any meeting shall control. Management of affairs.

SECTION 4. When the subscription books of said company may be opened for an increase of capital stock, the holders of shares theretofore issued and then outstanding shall have preference in subscribing for the proposed increase, to such an extent and in such manner as the board of directors may determine. Preference in subscribing for increase of stock.

SECTION 5. The said company shall have power to call in the amount of capital stock by instalments. If any subscriber shall fail to pay any such instalment after sixty days' notice requiring payment thereof, the said board may in its discretion release the subscriber and refund to him the instalments already paid, either in full paid stock or cash, or may enforce payment of the entire subscription. Calling in of stock.

SECTION 6. The board of directors chosen at the first meeting of the stockholders shall hold office for such term as the stockholders may by resolution determine and until their respective successors are chosen, and the board shall have power to fill vacancies. How long first directors to hold office.

SECTION 7. The board of directors shall choose from their number a president of the company and one or more vice presidents. The board shall also choose a secretary and treasurer and provide for the appointment and employment of such other officers, agents, clerks and servants as may be deemed proper. The board may also constitute a part of their number an executive committee, with such powers as the board may from time to time see proper to confer on said committee. Officers, agents, clerks, &c.

SECTION 8. Certificates shall be issued for shares of stock on request of the stockholders, and shares shall be transferred. Certificates of stock.

Shares transferable.

ble on the books of the company by the shareholder or his attorney on the return of certificate issued therefor.

Individual liability.

SECTION 9. The stockholders of said company shall be individually liable for the dues of the company to the amount of capital paid on their respective shares, until said shares shall be fully paid up and to no other or greater amount, and such liability shall not be enforced against any stockholder until after judgment has been rendered against the company for said dues and execution has been returned unsatisfied thereon.

Books to be open for inspection.

SECTION 10. The books of the company shall be open for inspection to such officer of the state as the governor may designate and to such person as the legislature may appoint for that purpose, at all times during hours of business.

How net profits to be divided.

SECTION 11. The net profits of the company shall, at the discretion of the board, be divided in the order as follows, viz:

*First.* An amount equal to ten per cent. on its capital stock, to the stockholders, in proportion to the sums paid in on their respective shares.

*Second.* An amount equal to twenty per cent. on its capital stock to be applied to the formation of a reserve fund until such reserve fund shall become equal to the outstanding amount of bonds or obligations issued by the company.

*Third.* Of the then remaining balance, three-fourths to be divided among the stockholders as a supplementary dividend, and one-fourth to the founders, to be divided amongst them in proportion to their respective shares as the board of directors shall by resolution direct; a special founders' scrip shall be created to represent the rights of founders, and such scrip shall be issued to the founders and may be made payable to bearer or registered; the same shall be transferable on the books of the company like its capital stock, and the rights of the founders or their assigns shall follow the same; the founders shall be the persons designated as such by the by-laws of the company passed at the first meeting of the stockholders.

Special founders' scrip.

Loans.

SECTION 12. No loan shall be made, directly or indirectly, to any officer of the company, nor shall any loan or advance of money be made at a rate of interest exceeding the legal rate.

How taxable on dividends and net earnings.

SECTION 13. Said company shall be taxable only on the dividends on its capital stock, and upon its net earnings or income, only in proportion to the amount actually earned by it within the state of Pennsylvania; its earnings and income derived from its business beyond the limits of this commonwealth shall not be liable to taxation.

Repeal.

SECTION 14. All acts and parts of acts inconsistent with this act so far as the same relate to the company aforesaid are hereby repealed.

APPROVED—The 9th day of July, A. D., 1873.

J. F. HARTRANFT.

No. 314.

## AN ACT

Relative to the assessments in the borough of South Bethlehem, county of Northampton.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act, all real estate and personal property made taxable by the laws of this commonwealth, in the borough of South Bethlehem, shall be made by the assessors of the several wards of this borough acting together, so that the valuations of property in each ward shall be fixed by the joint action of all the assessors, or a majority of them, and hereafter no assistant assessors shall be elected in said borough.

APPROVED—The 9th day of July, A. D. 1873.

J. F. HARTRANFT.

No. 315.

## A SUPPLEMENT

To an act to incorporate the Wayne County Railroad Company, approved March fourteenth, one thousand eight hundred and seventy-two, to authorize a change of the name of said company, an increase in the number of directors, the extension of said railroad, and consolidation of same with other companies.

SECTION 1. *Be it enacted, &c.*, That the name, style and title of the Wayne County Railroad Company, be and the same is hereby changed to the Pennsylvania Inland Railroad Company, the same to take effect as soon as the president of said company shall have notified the auditor general that the board of directors have accepted the provisions of this act; and the stockholders of said company may, at any meeting, enlarge the number of directors so as not, in the whole, to exceed fifteen directors. Name changed.

SECTION 2. That said railroad company be and the same is hereby authorized to extend its road southward to Pittston, and thence by the most feasible route to the Delaware river, in Smithfield or Middle Smithfield township, in the county of Monroe, and there, with the concurrence of the state of New Jersey, to construct and maintain a bridge across the river, and extend the road across the same, to connect with any railroad built or to be built in the state of New Jersey, with power and authority to cross at grade and connect with any railroad or railroads across or near to the line of said railroad, with all the rights, powers, privileges and authority now granted by law to the Philadelphia and Erie Railroad Company to construct and operate branches. Increase of directors authorized.

SECTION 3. That the said railroad company may, at any time, lease or purchase any coal, or coal and iron mines: *Provided*, The quantity of land which said company may, at any one time own or lease, except for their road beds, shall not May extend road to Delaware river.

Bridge river, and connect with road in New Jersey.

Right to cross at grade, construct branches, &c.

May lease coal, or coal and iron mines.



Operate same.

Lease road to coal,  
or coal and iron  
company.

Or consolidate with  
them.

exceed five hundred acres, and operate the same, transporting the yield of said mines over its road, or may lease said road to any coal, or coal and iron company, now incorporated or that may be hereafter incorporated, or may consolidate with any coal, or coal and iron company, now incorporated or that may be incorporated, upon such terms not inconsistent with existing laws, or may be agreed upon by the contracting parties, and upon such consolidation being effected and concluded, the president of such consolidated company, may certify the same to the auditor general of the commonwealth, and thereupon and thereafter such consolidated company shall have and enjoy all the privileges, rights, immunities and powers as the several companies had and enjoyed under their respective charters: *Provided*, That no such consolidation shall, in any manner, impair any contracts or liabilities already made or incurred by either of the contracting companies.

APPROVED—The 20th day of June, A. D. 1873.

J. F. HARTRANFT.

No. 816.

### AN ACT

To incorporate the Turtle-Creek Valley Railroad Company.

Corporators.

SECTION 1. *Be it enacted, &c.*, That A. J. Cassatt, R. D. Barclay, John P. Green and F. L. Stewart, be and they are hereby created a body politic and corporate by the name of the Turtle Creek Valley Railroad Company, with all the powers and subject to all the provisions of an act, entitled "An Act, entitled 'An Act regulating railroad companies,'" approved the nineteenth day of February, one thousand eight hundred and forty-nine, and of the several supplements thereto, except as herein otherwise provided.

Name.

Subject to.

Right to construct  
road.

Route.

SECTION 2. That the said company shall have the right to lay out, construct and operate a single or double track railroad, commencing at a point near Wall's station, on the Pennsylvania railroad, by a proper connection therewith, and extending thence by such practicable route as may be selected by the said company, to connect with the West Pennsylvania railroad either at or near Saltsburg station; or the said company may, in their discretion, construct the said road from any point in Allegheny, Armstrong, Indiana or Westmoreland counties, in the state of Pennsylvania, and to connect with any railroad in any of the said counties.

Capital stock.

SECTION 3. That the capital stock of the said Turtle Creek Valley Railroad Company shall consist of two thousand shares of the par value of fifty dollars each, with the privilege of increasing the same, from time to time, to such numbers of shares not exceeding ten thousand, as to a majority of the directors may seem needful.

Directors may  
borrow money and  
issue bonds.

SECTION 4. That the directors of the said company are hereby authorized to borrow, from time to time, such sums of money as to them may seem necessary, not exceeding the

amount of the authorized capital stock, to aid in the construction and equipment of the said railroad, and to issue bonds therefor, with or without coupons attached, in sums of not less than one hundred dollars each, at a rate of interest not to exceed seven per cent. per annum, to be redeemed at such time and place as the directors may agree upon, and to secure the same by one or more mortgages upon the whole or any part or parts of the said railroad, and upon all or part of the estate, real and personal, acquired or to be acquired or thereto belonging, and upon all of the corporate franchises or any part thereof.

SECTION 5. That it shall and may be lawful for the company hereby incorporated to purchase, take and hold, in fee simple, or to lease for any term of years, coal or other mineral lands in any of the counties aforesaid, not exceeding ten thousand acres, and to develop, mine, work, and sell the same, and the products thereof, as the directors may deem expedient. May hold mineral lands.  
Develop and work same.

SECTION 6. That the said company shall have the right, from time to time, to establish, demand and receive such rates of toll or other compensation for the conveyance of passengers, the transportation of merchandise and commodities over or on the said railroad, as to the president and directors shall seem reasonable. Tolls.

APPROVED—The 25th day of July, A. D. 1873.

J. F. HARTRANFT.

No. 317.

## AN ACT

Providing for the opening of Girard avenue and Twenty-second street, through the grounds of Girard college, and for the vacation of South College avenue and parts of North College avenue, Twentieth, Twenty-third and Twenty-fourth streets, in the city of Philadelphia.

SECTION 1. *Be it enacted, &c.*, That upon petition of ten or more citizens of the city of Philadelphia, to the court of common pleas of said city, petitioning said court for a jury of view to examine and report to said court for or against the opening and straightening of Girard avenue through Girard college grounds, and to open Twenty-second street from North College avenue to Poplar street, said court shall, if under the provisions of the will of Stephen Girard, deceased, and existing legislation essential to the faithful execution of the trust therein created, it is within the power of said court to grant the prayer of the petitioners, appoint a jury of view, in accordance with existing laws, to examine and report to said court for or against opening and straightening Girard avenue through Girard college grounds, and for or against opening of Twenty-second street from North College avenue to Poplar street, and said jury of view shall make report to said court within sixty days after their appointment, and the proper notice to parties in interest as required by law;

and upon confirmation of the report of any such jury of view, directing the aforesaid Girard avenue and Twenty-second street to be opened, the commissioners of highways of said city, shall, within thirty days after such confirmation, direct said Girard avenue and Twenty-second street to be opened as a public highway, and the damages, if any, shall be assessed according to law; and immediately upon the report of the jury appointed to assess the damages, the said commissioners of highways shall proceed to open, grade, curb and pave said avenue and street; and within thirty days after said jury shall have reported, the chief engineer of the water department shall proceed and lay water pipes upon said avenue and street between the points named; immediately upon the opening of said Girard avenue, the said South College avenue in Twenty-ninth ward of the city of Philadelphia, shall be vacated and closed as a public street or avenue forever, and the soil thereof vested in the parties entitled thereto by virtue of the conveyance thereof heretofore made: *Provided*, That a writ of error or appeal may be had to the supreme court as in other cases, to review the action of said court of common pleas as to the law and the facts, and when such writ of error shall have been procured or appeal taken, all proceedings in the premises shall be stayed until a final decision of the supreme court shall be had.

APPROVED—The 21st day of June, A. D. 1873.

J. F. HARTRANFT.

#### No. 318.

#### A SUPPLEMENT

To the act to incorporate the Overland Contract Company and to define the powers thereof, approved March twenty-second, Anno Domini eighteen hundred and seventy-one, authorizing said company, now called the Southern Railway Security Company, to increase the number of its directors and to borrow money upon mortgage or deed of trust.

May increase directors.

SECTION 1. *Be it enacted, &c.*, That it shall and may be lawful for the Southern Railway Security Company to increase the number of its directors by the addition of three members, so that hereafter the board of directors of the corporation organized under the name of the Overland Contract Company, but now duly changed to that of the Southern Railway Security Company, may consist of any number of directors not exceeding twelve as may be determined by said company.

May issue bonds.

SECTION 2. It shall be lawful for the said the Southern Railway Security Company to issue bonds or other obligations, and to secure the same by deed of trust or by mortgage of any or all of its estates, real or personal, chattel interests, leases and franchises or properties and interests of what nature or kind soever.

APPROVED—The 9th day of May, A. D. 1873.

J. F. HARTRANFT.

No. 319.

## A SUPPLEMENT

To an act, entitled "An Act to aid the Central Normal School Association, of the state of Pennsylvania," approved the eight day of April, Anno Domini one thousand eight hundred and seventy-two.

**WHEREAS**, The superintendent of common schools has Preamble.  
approved of the location of the school building now being erected and built by said corporation, in the city of Lock Haven, in said state, as provided in said act, as well as the plans of said buildings, and said superintendent has issued a warrant upon the state treasurer for five thousand dollars in favor of the trustees of school:

*And whereas*, It is desirable to aid said association, that it may complete its buildings as soon as possible; therefore,

**SECTION 1.** *Be it enacted, &c.*, That whenever said corporation shall have actually invested and expended twenty-five thousand dollars in the property and buildings thereof, the said superintendent shall issue a warrant on the state treasurer, in favor of the trustees of said corporation, for five thousand dollars for money not otherwise appropriated; when the brick work of the first story of the main building shall be erected, the said superintendent shall issue a like warrant for the further sum of five thousand dollars as aforesaid; when the brick work of the second story of the main building shall be erected, the said superintendent shall issue a like warrant for the further sum of five thousand dollars as aforesaid, and when the brick work of the third story of the main building shall be erected the said superintendent shall issue a like warrant for the further sum of five thousand dollars as aforesaid; the said warrant to be in lieu of the last two warrants mentioned and authorized in the act to which this is a supplement: *Provided*, That the president of the board of trustees aforesaid, at the time of the application for each of said warrant, shall certify under oath or affirmation that the said investment and expenditure have been made and the erection of said building has so far progressed as aforesaid, and so as to entitle said corporation to said warrant. Superintendent to issue four warrants for \$5,000 each.

**SECTION 2.** That the board of trustees of said corporation be and they are hereby authorized and empowered to borrow such sum or sums of money as they may deem necessary, not exceeding fifty thousand dollars, at such rates of interest as they, from time to time may determine, not exceeding eight per centum per annum, for the erection of the buildings of said association, the improvement of its grounds and such other expenses as the trustees may deem necessary in the establishment and working of said school. Trustees authorized to borrow money.

**SECTION 3.** That to secure the payment of said loan or loans, the said trustees are hereby authorized and empowered to execute a mortgage or mortgages upon any lands of said corporation, and from time to time as required, to issue the bonds of said corporation, with interest coupons, for interest as aforesaid, payable fifteen years after the date Authorized to execute mortgage and issue bonds.

Negotiation of  
bonds.

Property exempt  
from taxes.

If property is sold,  
moneys appropri-  
ated to be refunded.

thereof, but redeemable at the option of the said trustees at any time after five years from the date thereof; said bonds to be secured by said mortgages or not as said trustees may deem for the best interests of said association; and said trustees shall be empowered to negotiate said bonds upon such terms as they may determine, with or without first making said loan or loans; and the said mortgages and bonds, as well as all property, real, personal and mixed, of said corporation shall be and hereby are exempt from all taxes: *Provided*, That in case of the transfer or sale of the said real estate, either by private sale, legal process or otherwise, whereby the same may be diverted from its intended use for normal school purposes as aforesaid, all moneys heretofore appropriated and which may hereby be appropriated by the state to its use, shall be refunded to the state by the person or persons to whom it may be transferred, the purchaser or purchasers.

APPROVED—The 25th day of July, A. D. 1873,  
J. F. HARTRANFT.

No. 320.

#### AN ACT

Providing for the extension of the term of office of the treasurer and receiver of taxes of the city of Philadelphia from two to three years.

WHEREAS, As the terms of all the principal officers of Philadelphia, except the treasurer and collector of taxes, is three years; therefore,

SECTION 1. *Be it enacted, &c.*, That at the next general election held in the city of Philadelphia, at which a city treasurer and receiver of taxes is to be chosen, that the persons duly elected to said respective offices shall hold the same for a term of three years from the date at which the terms of the present incumbents shall expire.

APPROVED—The 12th day of August, A. D. 1873.  
J. F. HARTRANFT.

No. 321.

#### A SUPPLEMENT

To an act incorporating the Somerset and Mineral Point Railroad Company.

SECTION 1. *Be it enacted, &c.*, That the Somerset and Mineral Point Railroad Company are hereby authorized to extend their railroad from Somerset, Somerset county, to Johnstown, Cambria county, to connect with the Pennsylvania railroad, and for that purpose they are hereby authorized and empowered to increase their capital stock eight hun-

Authorized to ex-  
tend road, and con-  
nect with Pennsylv-  
ania railroad.

three hundred thousand dollars, and their bonds a similar amount, with the same privileges and restrictions contained in their act of incorporation and the several supplements thereto, subject to the payment to the commonwealth of the same tax for increase capital stock, and in the same manner, as prescribed in the original act and supplements: *Provided*, That the privileges herein granted shall, in nowise, conflict with the rights, privileges and franchises heretofore granted to the Johnstown and Somerset Railroad Company.

**SECTION 2.** That the said company is hereby authorized to receive donations of land or other property, or receive the same in payment of subscription or in exchange for stock, on such terms and conditions as may be agreed upon between the company and the parties so donating, subscribing or exchanging, with full power and authority to said company to hold, use, sell or otherwise dispose of said property from time to time: *Provided however*, That all lands and property, or the proceeds derived from the property so donated, contributed or received in payment or exchange for stock, shall be used exclusively to aid in securing the ultimate construction and equipment of the railway of the company.

**APPROVED**—The 12th day of August, A. D. 1873.

J. F. HARTRANFT.

No. 322.

### AN ACT

To divide the borough of Susquehanna Depot, in the county of Susquehanna, into two wards, and to provide for the first election therein, et cetera.

**SECTION 1.** *Be it enacted, &c.*, That the borough of Susquehanna Depot, in the county of Susquehanna, be and the same is hereby divided into two wards as follows, viz: All that part of said borough lying on the west side of the east bank of Drinker creek to constitute one ward, to be called the First ward; and all that part of said borough lying on the east side of the east bank of said creek to constitute one ward, to be called the Second ward; that each of said wards shall be a separate election district; that the place of holding all elections in the First ward shall be at the house now occupied by Chester G. Chaffe, and the place of holding all elections in the East ward, in the house now occupied by Ambrose Benson, but the place for holding elections for either of said wards may be changed, altered and fixed from time to time by the court of quarter sessions for said county, upon the petition of not less than twenty qualified electors of said ward. That until after the next annual election of borough officers for said borough, Samuel Falkenbury shall be judge of elections, and John Donohoe and John C. Cook inspectors of election, for the First ward aforesaid, and that the present election officers of the said borough, all of whom reside in the Second ward aforesaid, shall serve as election

Increase capital stock and bonds.

May receive property as donations, or in payment of subscriptions, &c.

How property donated to be used.

Divided into two wards.

First ward.

Second ward.

Places of holding elections.

Election officers.

One school and tax district.

Separate registry lists to be made.

Election of councilmen.

officers for said Second ward, and in case of death, resignation, removal or refusal to serve of any of the election officers aforesaid, the vacancy to be supplied as is now provided by the general election laws of this commonwealth: *Provided*, That the said borough shall be and remain one school district, and one district for the assessment and collection of all taxes, as heretofore: *And provided further*, That separate register lists for each of said wards shall be made and posted up therein for the inspection of the public according to law.

SECTION 2. At the next annual election of borough officers for the borough of Susquehanna Depot aforesaid, there shall be elected in each of said wards, respectively, three persons to serve as members of the town council of said borough, who shall reside in the ward so electing them; and the judges of election of the wards aforesaid shall meet at the place of holding elections in the First ward aforesaid on the day after each borough election, and add together the number of votes cast in each of the said wards for such borough officers as are to be elected jointly for said wards, and make out returns for the same, and also make out certificate for the different persons elected to fill said offices, and shall receive for such service the sum of one dollar each, but the certificates for the persons elected to fill such borough officers as each of the said wards may, under the provisions of this act, elect separately, shall be made by the election officers holding the election in such ward.

Electors changing their residence within ten days of election, not disqualified.

SECTION 3. Any qualified elector of the said borough who shall remove from one of the wards aforesaid to the other, within less than ten days previous to any election, shall be entitled to vote at such election for borough officers in the ward where he shall then reside, notwithstanding he has not resided therein ten days immediately preceding said election.

APPROVED—The 3d day of September, A. D. 1873.

J. F. HARTRANFT.

No. 323.

### AN ACT

To incorporate the Continental Railway Company of Philadelphia.

Corporators.

SECTION 1. *Be it enacted, &c.*, That Henry M. Phillips, James M'Manes, Robert Morris, William Devine, Thomas H. Kemble and James M. Sellers, and their associates and successors, be and they are hereby constituted a body politic and corporate, by the name, style and title of the Continental Passenger Railway Company, of Philadelphia, and as such, they shall have the right to lay out and construct, or cause to be laid out and constructed, a railway in the city of Philadelphia, along such route and streets as are hereinafter provided for, namely: Beginning at Montgomery avenue and Eighteenth street; thence along said Montgomery avenue to Twentieth street; thence along Twentieth street to Ridge avenue; thence along Ridge avenue to South College ave-

Title.

Right to construct railway.

Route.

nue; thence along South College avenue to Corinthian avenue; thence along Corinthian avenue to Parrish street; thence along Parrish street to Twentieth street; thence along Twentieth street to Federal street; thence along Federal street to Eighteenth street; thence along Eighteenth street to Francis street; thence along Francis street to Perkiomen street; thence along Perkiomen street to Vineyard street; thence along Vineyard street to Ridge avenue; thence along Ridge avenue to Eighteenth street; thence along Eighteenth street to Montgomery avenue, with the right hereafter, from time to time, to extend northward and southward on Eighteenth and Twentieth streets, using any east and west streets to form a connection; and that at any time hereafter, on the opening of Twentieth street from Girard avenue to South College avenue, said company may lay a single track on said Twentieth street from Parrish street to South College avenue; also a single or double track from Federal to Ritner streets; also a single track on Wharton street from Twentieth street to Long lane; also a single track from Twentieth street to Long lane, and also a single track from the west side of Twentieth and Filbert streets, eastwardly on Filbert street to Seventh street, or any other street west of Seventh street, along said Seventh street to Sansom or Locust street, and westwardly along Sansom or Locust street to Twentieth street, with the right to connect by a curve or curves at Twentieth and Sansom or Locust streets, Twentieth and Filbert streets, Eighteenth and Sansom or Locust streets, and Eighteenth and Filbert streets, with the track authorized to be laid on Eighteenth and Twentieth streets.

SECTION 2. The capital stock of said company shall consist of twelve thousand shares of fifty dollars each, with the right to increase by a majority of the stockholders to twenty thousand shares. Capital stock.

SECTION 3. The said company shall have the power and authority to borrow money, in any sum or sums not exceeding in amount one half of the par value of the capital stock, at a rate of interest not exceeding seven per centum per annum; and to secure the re-payment of the same and interest thereon, to give bonds secured by a mortgage of and on the said railway, and the corporate rights and franchises guaranteed by this act, which principal moneys shall be payable at such dates and times as the board of directors may deem advisable. Authorized to borrow money and issue bonds.

SECTION 4. The said company shall have the right to purchase such real estate and erect or cause to be erected such buildings and improvements thereon, from time to time, and use and hold the same, and further to have the right to purchase all necessary equipments, such as horses, cars and other vehicles, and all needful appendages for the conveyance of passengers on and over said railway, as may be deemed necessary or convenient for the accommodation and purposes of said company: *Provided*, That said railway shall conform in gauge to the passenger railways now laid in the city of Philadelphia, and no freight or burthen trains or locomotives shall be permitted to pass over said railway. Right to purchase real estate, erect buildings, &c.  
  
Gauge.  
  
Prohibition.



Dividends.

**SECTION 5.** That dividends of so much of the profits of said company as shall appear to be advisable to the directors shall be declared semi-annually, in each and every year, and be paid at the office of the said company at any time after ten days after declaring the same; but such dividends shall in no case exceed the amount of the net profits of said company, so that the capital stock thereof shall at no time be impaired thereby; and if said directors shall make and declare any dividends impairing the capital stock of said company, the directors consenting thereto shall be liable in their individual capacities to said company for the amount so divided, and each director present when such division shall be declared shall be considered as consenting thereto, unless he or they shall, at the time thereof, enter his or their written protest against the same, and shall cause the said protest to be entered upon the minutes of the board and give public notice of the same.

Seal, by-laws, &amp;c.

**SECTION 6.** The said company shall make, have and use a common seal, and alter and renew the same at pleasure, and also shall have the power to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary or convenient for the government of the said corporation and not being contrary to the constitution of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them shall lawfully appertain for the well-being of said corporation and the proper order and management thereof.

Organization.

**SECTION 7.** That the persons herein named, or a majority of them, may proceed to organize said company and obtain subscriptions to the capital stock thereof; and said company shall have power to elect a president, vice president and five directors, a majority of whom shall be citizens of Philadelphia, and also such other officers as may be deemed expedient; and at all elections each share of stock represented, either in person or by proxy, shall entitle the holder to one vote.

Subject to general railroad act of 1849.

**SECTION 8.** The said company shall be subject to all the provisions of an act regulating railroad companies, approved the nineteenth of February, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as the same are not altered or supplied by this act: *Provided*, That the provisions in the first section of said act, which requires the commissioners named in any special act incorporating any passenger railroad company to give public notice of the time and place for opening books for receiving subscriptions to the capital stock of such companies, is hereby declared not to extend or apply to this act or the commissioners herein named; and the said company in constructing their road, shall conform to the surveys and grades now established or hereafter to be established by law of the several streets or avenues traversed by said road, and shall be at the entire cost and expense of re-paving that may be made necessary upon any street on account of laying the track of said company; and it shall not be lawful for said company to run their cars at a greater rate of speed than six miles an hour;

Proviso.

To conform to established surveys and grades.

Pay cost of re-paving.

Rate of speed limited.

and the said company is hereby authorized and empowered to construct and lay the said railway at any time hereafter that the consent of the city councils of Philadelphia shall be obtained thereto; but whenever the said railway shall be laid and used by running passenger cars thereon, the said company shall be subject to the ordinances of the city of Philadelphia regulating the running of passenger railway cars.

When to be subject to city ordinances.

SECTION 9. The said company shall have right to cross at grade any railroad or railway that is now or may hereafter be built within the limits of the city of Philadelphia, and also to connect their railway with that of any other passenger railway company for the purpose of completing a route or making a circuit, upon such terms and conditions as may be agreed upon by such other company or companies, and the said Continental Railway Company of Philadelphia, and in case said railway companies cannot agree thereupon such terms as the district court of Philadelphia may prescribe and enjoin.

Right to cross at grade and connect with other roads.

SECTION 10. That the said company shall pay, annually, into the treasury of the city of Philadelphia, for the use of said city, whenever the dividends declared by said company shall exceed six per centum per annum on the par value of the capital stock thereof, a tax of six per centum on such excess over six per centum on the par value thus declared; and the said company shall also pay such license for each car now run by said company as is now paid by other passenger railway companies in the city of Philadelphia: *Provided*, That the said corporation shall pay into the treasury of the commonwealth such bonus and taxes as are now or may hereafter be required by law.

Tax to city.

License for cars.

Bonus and tax to state.

SECTION 11. The company hereby incorporated shall be subject to all the provisions of the act, entitled "An Act to authorize a permanent centennial exposition building for the people of the commonwealth, and to provide means for the same," approved March twenty-eight, Anno Domini one thousand eight hundred and seventy-three, so far as the same relates to passenger railroad companies.

Subject to centennial act of March 28, 1873.

APPROVED—The 8th day of September, A. D. 1873.

No. 324.

## AN ACT

To incorporate the Indiana County Deposit Bank.

SECTION 1. *Be it enacted, &c.*, That John Ralston, William Lytle, R. M. Gibson, D. R. M. M'Chesney, S. P. Townsend, Wm. M. Stewart, A. M. Stewart, B. K. Jamison, S. Truby, Harry White, E. H. Wilson, D. Thomas, I. K. Thompson, I. Empfield, M. C. Getty, J. S. Nesbit, J. H. Kinter, John A. Stewart, and their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the Indiana County Deposit Bank,

Corporators.

Name.

Location.	to be located in Indiana, Indiana county, and by that name
Powers and privileges.	shall have perpetual succession, and may sue and be sued, plead and be impleaded, in any court whatsoever, may have a common seal and may renew or alter the same; also may have the right to own, hold and improve real estate for the purpose of the said bank, or dispose of the same at pleasure.
Capital stock.	SECTION 2. The capital stock of said bank shall consist of one thousand shares of the value of one hundred dollars each, with the privilege of increasing the same from time to time, by a vote of the directors, to an amount not exceeding three thousand shares of the like par value; and when the capital
Increase.	stock is so increased, the stockholders shall have the right to take the shares authorized by such increase, and at such prices as the board of directors may name, not less than par; that if such shares of new stock are not taken by the stockholders within sixty days after receiving notice of such increase, then the board of directors may dispose of such shares of such stock as may to them seem best, at not less than par.
Subscriptions.	SECTION 3. The corporators, or a majority of them, shall have power to open books for subscription to the capital stock, at such time and place as they may deem most expedient; and when one thousand shares shall have been subscribed and paid in, the shareholders may elect five directors to serve until the next annual election, or until their successors shall have been duly elected and qualified; no cashier, clerk or teller in the bank shall be eligible as a director; vacancies in the board from death, resignation, inability to serve or otherwise, shall be filled by the board; the board shall elect one of their number as president and one as vice
Election of directors.	president.
Vacancies.	SECTION 4. That said bank may take, receive, reserve, and charge on any loan or discount made, interest at such lawful rate as is allowed by any general law of this state, now or hereafter regulating the rate of interest therein, and no more, and nothing in the act contained shall alter, change or affect the rate of interest provided for and established by this section.
President and vice president.	SECTION 5. That it shall be lawful for said bank to purchase, hold and convey real estate, as follows: Such as shall be necessary for its immediate accommodation in the transaction in its business; such as shall be mortgaged to it in good faith by way of security for debts; such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings; such as it shall purchase at sales under judgments, decrees or mortgages held by such bank or shall purchase to secure debts due to said bank; said bank shall not purchase or hold real estate in any other case or for any other purpose than is specified in this section, nor shall it hold the possession of any real estate under mortgage.
Interest on loans and discounts.	SECTION 6. The said bank shall have power to borrow and lend money for such periods as the bank shall see fit, may discount any bill of exchange, foreign or domestic, promissory note or negotiable paper, judgments, mortgages or real estate securities, and the interest may be received in advance, and shall have the right to hold in trust or as col-
What real estate may be held.	
Banking privileges.	

lateral security for loans, or advances, or discounts, estates, personal or mixed, notes, bonds, obligations or accounts of the United States, the state of Pennsylvania, individuals or corporations, and to purchase, collect and adjust the same, and to dispose thereof for the benefit of the said bank, or to the payment of the debts as security for which the same may be held.

SECTION 7. The board of directors shall make by-laws necessary for properly conducting the business of the bank, not inconsistent with the laws of this state or the United States, make such loans and investments of the capital stock of said bank and the surplus fund thereof as to them shall seem best; shall have power to require payments of any amount remaining unpaid on the stock of said bank, at such times within one year, and in such proportions, as they think proper, and after thirty days' notice, under penalty in case of non-payment as required, of forfeiture to the bank of such stock and all previous payments.

By-laws.

Payment of amounts remaining unpaid on stock.

SECTION 8. The said bank may receive money to keep for its depositors either with or without interest payable thereon, and may buy or sell bullion, buy, sell, draw or negotiate bills of exchange, bills of lading, stocks and bonds of all companies, states, of the United States, or other good and sufficient securities, on such terms as may be agreed upon.

Further banking privileges.

SECTION 9. It shall be lawful for said bank to transact financial business and act as a treasurer and financial agent of charitable and religious institutions and corporations, and as financial agent of the state of Pennsylvania and other states, of cities, boroughs, townships and counties, in the management of their business, and shall give security to such institutions, states and municipal governments for the faithful performance of duties if required.

May act as treasurer and financial agent.

SECTION 10. It shall be lawful for said bank to receive money on deposit from minors and married women, or in their behalf, and payment of the moneys so deposited to the minors and married women depositing the same, or in whose behalf the same has been deposited, shall be good and valid payments and fully protect said bank from any other person or persons claiming said moneys.

Deposits by minors and married women.

SECTION 11. The board of directors shall have power to declare and pay dividends out of the earnings of the bank to the stockholders, at such times and in such amounts as to them shall seem proper.

Dividends.

SECTION 12. It shall be lawful for the corporators named in the first section of this act, to receive and accept a transfer, conveyance and delivery to the bank hereby incorporated, of all the estate, real, personal and mixed, held and owned by the persons named as corporators, and doing business as a partnership under articles of association, under the name and style of the Indiana County Deposit Bank, at Indiana, Pennsylvania; and when such transfer and conveyance is received as aforesaid, the corporators aforesaid shall be entitled to shares in the capital stock of the bank herein incorporated, in the proportion and amounts they severally own and hold the same in said partnership of the Indiana

Transfer to bank of estate owned by corporators in partnership.

County Deposit Bank, and when such transfer and conveyance is made and received it shall be accepted as full paid up subscriptions to the amount of one hundred thousand dollars to the capital stock of the bank hereby incorporated: *Provided*, The same is of the value of one hundred thousand dollars, and shall be subject to the provisions of this act; and after such transfer and conveyance is made and received, the bank hereby incorporated shall own and hold all estate, real, personal and mixed, now owned by the partnership aforesaid, and shall distribute the same among the corporators aforesaid, in the proportion and amounts the same is now held and owned by them in the partnership aforesaid.

Annual election.

Cashier, teller,  
clerk, &c.

Votes.

Bonus and taxes.

Limitation.  
Reservation.

Individual liability.

SECTION 13. The annual election for directors shall be on the first Monday of September of each year, unless changed by the by-laws of the bank; the directors shall appoint cashier, tellers, clerks and such other officers as they may deem necessary for conducting the business of the said bank; they shall before allowing any cashier or clerk to enter upon the performance of his duty, require him to enter into articles of agreement for the proper discharge of his duty, that he will give the business of the bank his care and attention, rendering true accounts of all his transactions, and never to use the moneys of the said bank in his private transactions, nor to engage in private financial operations through his office as cashier or clerk aforesaid, and to require a bond for the faithful performance of his duty in such amount as the said directors shall see fit. Stockholders shall be entitled to one vote for each share of stock and may vote in person or by proxy; said election shall be conducted according to the by-laws.

SECTION 14. The said corporation shall pay into the treasury of the commonwealth such bonus and taxes as are now or may hereafter be required by law, and this charter shall continue twenty years, but the legislature reserves the right to alter, revoke or annul the same at any time when it shall be deemed necessary for the public good: *Provided however*, That no injustice shall be done to the stockholders.

SECTION 15. The stockholders in said bank shall be personally liable to an amount equal to the capital stock, in addition thereto, for the payment of depositors and other creditors.

APPROVED—The 9th day of September, A. D. 1873.

J. F. HARTRANFT.

## No. 325.

### A SUPPLEMENT

To an act, entitled "An Act to authorize the town council of the borough of Sunbury to borrow money.

How borrowed  
moneys may be  
used.

SECTION 1. *Be it enacted, &c.*, That the act to which this is a supplement, approved the thirty-first day of January,

Anno Domini one thousand eight hundred and seventy-three, shall be construed so that in addition to the funding of the debt, the money so authorized to be borrowed under said act may be used for all purposes of improvements on the streets, lanes, alleys, public highways, and for the protection of the inhabitants against fire and water, maintain an efficient fire department and for building a lock-up and other purposes in and for said borough of Sunbury, as the town council and their successors may direct.

SECTION 2. And that the said town council be authorized to increase the amount authorized by said act to be borrowed to any amount not to exceed in the aggregate the sum of fifty thousand dollars, for the purposes aforesaid, and issue bonds in the same manner as provided in the original act above referred to.

Council may increase amount authorized to be borrowed, and issue bonds.

APPROVED—The 15th day of September, A. D. 1873.

J. F. HARTRANFT.

No. 326.

### AN ACT

To authorize the governor to issue a commission and legalize the election of an alderman in the First ward, city of Pittsburg.

WHEREAS, At an election held in the First ward, city of Pittsburg, on the third day of December, Anno Domini one thousand eight hundred and seventy-two, the qualified voters therein, upon notification of the ward constable in his election proclamation, did vote for candidates for the office of alderman in said ward, to fill a vacancy caused by the resignation of the former occupant of said office:

And whereas, The said resignation was not received by the state department ——— days prior to the said election, in accordance with the law in such cases made and provided; therefore,

SECTION 1. *Be it enacted, &c.,* That the governor is hereby authorized to issue a commission for said office of alderman to the person who received the highest number of qualified votes for the same, and the said election for alderman is hereby made as legal and valid as if the resignation had been on file as provided by law.

APPROVED—The 17th day of October, A. D. 1873.

J. F. HARTRANFT

## No. 327.

## AN ACT

Making it unlawful for persons to hunt or shoot on the enclosed or cultivated lands of another in the county of York, without first obtaining the consent of the owner or *terre tenant*.

Hunting without consent of owner or *terre tenant*, prohibited.

Penalty on conviction.

In default of payment, offenders to be committed to jail.

Evidence of hunting.

Duty of magistrate on payment of fine.

When entitled to costs from county.

Repeal.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act it shall be unlawful for any person or persons to gun or hunt with dog or gun on the enclosed or cultivated lands of another person or persons within the county of York, without the consent of the owner or owners or *terre tenant* of such land first obtained; and any one offending against the provisions of this act shall, upon conviction thereof, before any magistrate or justice of the peace in and for the said county, be liable to a fine of not less than five nor more than twenty dollars, and the costs of prosecution; and in default of payment of said fine and costs as aforesaid, said person or persons shall be committed to the common jail of said county for the period of ten days; and the entering in and upon the enclosed or cultivated lands of another by any person or persons with a gun or guns as aforesaid, without the consent of the owner obtained as aforesaid, shall be taken and deemed sufficient evidence of gunning or hunting upon said lands.

SECTION 2. It shall be the duty of the magistrate or justice of the peace before whom the information may be made under this act, upon the payment of said fine as aforesaid, to pay the same over to the treasurer of the county of York, for the use of said county; and when the defendant, in default of payment of the fine and costs as aforesaid, shall be committed to the common jail of said county, the said magistrate or justice of the peace shall be entitled to have the costs of prosecution paid by the county of York.

SECTION 3. All acts or parts of acts or laws or parts of laws inconsistent herewith be and the same are hereby repealed.

APPROVED—The 29th day of October, A. D. 1873.

J. F. HARTRANFT.

## No. 328.

## AN ACT

To provide for the election of trustees for the North-western State Normal School of the Twelfth district, at Edinboro'.

Preamble.

WHEREAS, In the raising of funds for the erection of buildings for the State Normal School of the Twelfth district, subscriptions and donations were made, with no provisions for transfer of the same:

*And whereas*, The contributors will be liable to run out by removal, death and otherwise, and there be no persons who

can legally vote for trustees for said normal school; therefore,

SECTION 1. *Be it enacted, &c.*, That it shall be the duty of now acting board of trustees to cause to be procured a book, in which shall be entered the names of all persons who have subscribed and paid any sum of money, or other valuable thing, towards the erection of the buildings or the appurtenances thereto belonging to the said normal school, and to all persons who have subscribed and paid the sum of ten dollars or more, shall issue a certificate, which shall entitle the holder thereof to one vote for trustees, either in person or by proxy: *Provided*, Such proxy shall be given not more than six months nor less than ten days before any such election; no person shall be entitled to more than one vote; such certificate shall be transferable on the stock-book in such form as the trustees may direct: *Provided*, That no person who has contributed a less sum than ten dollars, whose name appears on the books, or where such contribution can be shown, shall be deprived the right to vote.

Book to be procured, and names of contributors entered therein.

Certificates to issue.

Holders entitled to one vote for trustees.

Certificates transferable.

Contributors of less than \$10 entitled to vote.

SECTION 2. Any person hereafter contributing the sum of ten dollars shall be entitled to receive a certificate with all the rights and privileges of an original contributor: *Provided*, That no dividends shall at any time be paid on such certificates or otherwise.

Persons hereafter contributing, entitled to certificate

No dividends to be paid.

APPROVED—The 30th day of October, A. D. 1873.

J. F. HARTRANFT.

## No. 329.

## AN ACT

Authorizing and directing that the chief engineer and surveyor of the city of Philadelphia to place Upland street, fifty feet in width, on the plans of said city, from Ann street to the intersection of Seventy-second street, Kingsessing avenue.

SECTION 1. *Be it enacted, &c.*, That the chief engineer and surveyor of the city of Philadelphia be and he is hereby directed to have Upland street, fifty feet in width, placed upon the plans of said city, from Ann street to the intersection of Seventy-second street and Kingsessing avenue, in the Twenty-seventh ward.

APPROVED—The 30th day of October, A. D. 1873.

J. F. HARTRANFT.



No. 330.

## A SUPPLEMENT

To an act, entitled "An Act to incorporate the Bridesburg Bank, to be located in the Twenty-fifth ward of the city of Philadelphia," approved the twenty-first day of March, one thousand eight hundred and seventy-one.

SECTION 1. *Be it enacted, &c.*, That the restriction of the location of said bank to the Twenty-fifth ward of the city of Philadelphia be and the same is hereby removed, and the location may be at such place in said city as the directors may determine.

APPROVED—The 25th day of November, A. D. 1873.

J. F. HARTRANFT.

No. 331.

## A FURTHER SUPPLEMENT

To the act approved April eighth, one thousand eight hundred and sixty-four, entitled "An Act to incorporate the Union Passenger Railway Company of Philadelphia," authorizing said company to extend their routes and to lay tracks on Ellsworth street, Christian street, Twenty-fifth street, Jefferson street, Seventh street, all in the city of Philadelphia, and on such other street or streets south of Christian street, west of Twentieth street, north of Columbia avenue, and east of Third street, as the councils of the city of Philadelphia may, from time to time, permit or authorize to be used by said company, with single or double tracks, to connect said new routes with each other and with the old tracks, to lay curves, construct circuits and cross other roads at grade.

Authorized to extend their routes.

SECTION 1. *Be it enacted, &c.*, That in addition to the powers heretofore granted to the Union Passenger Railway Company of Philadelphia, they shall have the following powers and authorities: To extend their routes and lay tracks on Ellsworth street from Twenty-second street to Twenty-fifth street, on Twenty-fifth street from Ellsworth street to Christian street, on Christian street from Twenty-fifth street to Twenty-second street, on Seventh street from Oxford street to Columbia avenue, on Jefferson street from Seventh street to Thirty-first street, all in the city of Philadelphia, and on such other street or streets south of Christian street, west of Twentieth street, north of Columbia avenue and east of Third street, as the councils of the city of Philadelphia may, from time to time, permit or authorize to be used by said company with single or double tracks.

May remove cobblestones, lay rails, &c.

SECTION 2. That said company shall also have power to remove the cobblestones and beds of the said streets, and to lay rails upon the same, and to use said tracks when laid for passenger car travel, and to charge tolls and fares therefor, to connect said new routes with each other, and with their old tracks, to lay curves and to construct circuits.

to cross all other roads at grade, to put in all necessary crossings, frogs, turnouts and switches, and to all other things needful and necessary for carrying into effect the aforesaid powers; said company to be subject to all the restrictions and to have all the privileges and immunities in reference to said new routes and tracks as provided in the charter of said company and the several supplements thereto.

APPROVED—The 22d day of November, A. D. 1873.

J. F. HARTRANFT.

No. 332.

### AN ACT

To incorporate the Loshbaugh Run Navigation and Public Road Company.

SECTION 1. *Be it enacted, &c.*, That Franklin M. Ross, Corporators. Thos. J. Rockey, Geo. M. Emery, James M. Emery and Jeremiah C. Rockey, of the county of Clinton, and state of Pennsylvania, and such other persons as shall associate with them, by subscribing to the capital stock as hereinafter provided, and their successors and assigns, be and they are hereby created a body corporate and politic in deed and in law, by the name of the Loshbaugh Run Navigation and Public Road Company, and by that name shall have perpetual succession, Name. shall be authorized by law to sue and be able to be sued, im- Powers and plead and be impleaded, to have a common seal, to make by- privileges. laws and regulations for the government of the affairs of the company, and generally have power to do and perform all such acts as are usual, necessary and proper to the efficient management and well-being of the corporation hereby created.

SECTION 2. That the capital stock of said company shall be Capital stock. twenty thousand dollars, divided into five hundred shares of forty dollars each, with power to increase the same in accordance with the laws in such cases made and provided, to an amount not exceeding fifty thousand dollars; and the said Franklin M. Kess, Thomas J. Rockey, George M. Emery, James M. Emery, and Jeremiah C. Rockey, corporators, or Subscriptions. either of them, shall have authority to open books for, and receive subscriptions to the capital stock of said company, at the office of Messrs. Ross, Rockey and company, lumber dealers, in the city of Lock Haven, Pennsylvania, on the first Monday in May next; and when the said stock shall have been subscribed or a majority thereof, the subscribers Organization. thereof, the subscribers thereto, or such number thereof as shall represent the majority of the stock so subscribed, shall organize said company by electing five directors to serve for Election of direc- one year, one of whom shall be president, to which board of tors. directors shall be committed the entire control and management of the affairs of said company; the regular election of directors shall be held at the office of the said Loshbaugh Run Navigation and Public Road Company, on the first Monday in May of each year thereafter, at which election each share

## Votes.

Failure to hold  
election on day ap-  
pointed.

## Special elections.

Authorized to  
clear out and im-  
prove Loshbaugh  
run.

## Erect dams.

## Proviso.

Construct public  
road.

Occupy certain  
number of feet on  
sides of road.

Enter on adjacent  
land and take wood,  
gravel, &c.

Demand tolls when  
road is opened and  
ready for use.

of stock shall be entitled to one vote; in the event of a failure from any cause to hold the regular annual election, the directors then in office shall continue in office until their successors are elected and duly qualified; and for the purpose of electing such successors, it shall be lawful for the president at the request of any stockholder, to order a special election to be held at the office of said company, at such time as to him shall seem meet and proper, not exceeding sixty days from the date of the filing of said request by any stockholder, of which election at least ten days' notice shall be given to each stockholder.

SECTION 3. That said corporation shall have power and are hereby authorized to clear out, and improve and use all and every part of Loshbaugh run, (a stream which empties into the first fork of the Sinnemahoning creek at a point about nine miles from the mouth of said fork, in Cameron county, Pennsylvania,) from the mouth of said run to the northern boundary of tract in warranted name of Wilhelm Willink and others, number (4940,) forty-nine hundred and forty; and the said company are hereby authorized to erect dams in said stream at such points, whether within the limits above named or otherwise, and in such manner as they may deem proper, and to purchase any dams or other improvements that may have already been erected or constructed on said stream, and to use the said dams and waters of said run in floating saw-logs, timber and the like down the same, and generally shall have the right to straighten, deepen, widen, crib and otherwise improve the stream aforesaid, in such manner as they may see fit, for the purposes aforesaid and such other purposes as they may hereafter desire to use the said waters for: *Provided*, That no injury shall thereby be done to private property outside of the stream and road aforesaid without due compensation being made therefor.

SECTION 4. That said corporation shall have power to construct a public road from the mouth of Loshbaugh run up said run, by the best and most convenient route or routes, to the point designated above in section third of this act, and for the said purpose shall have the privilege of using and occupying twenty-five feet on each side of the centre line of said road, but shall not be compelled to open the same for use more than ten feet wide.

SECTION 5. That for the purpose of locating and constructing said road, improving the bed and banks of said stream, as by this act is authorized, the company is empowered to enter upon the land adjacent thereto and take such wood, gravel and other material as may be necessary for that purpose, doing no unnecessary damage to private property, and subject to payment for such materials in accordance with the provisions of the act of twenty-sixth of January, Anno Domini one thousand eight hundred and forty-nine, known as the general road law.

SECTION 6. That as soon as said road shall be opened and ready for use, the company are hereby authorized to ask, demand and receive the following tolls for the use of said

road, to wit: Shingles per thousand, fifty cents; boards per thousand feet, inch measure, one dollar; every raft of square timber, not exceeding six thousand cubic feet, twenty dollars, for excess over six thousand cubic feet, at same rate per foot; all other kinds of traveling on said road the same rates of toll as the Susquehanna and Waterford Turnpike Road Company were allowed to charge by their original charter.

SECTION 7. That said company shall have a right to demand and receive from any and every person using the said stream for the purpose of running or floating logs or lumber in the waters thereof, the sum of one dollar per thousand feet, board measure, for all logs or lumber so run or floated; and the company is hereby authorized, at their option, to demand payment in advance of said tolls or that security be given for the payment of the same.

Demand tolls from persons using stream.

SECTION 8. That all tolls for the use of said stream shall, except where demand is made for payment in advance, be due within ten days after the lumber or logs shall have been started on said stream, and shall be payable to the treasurer of said company at the office thereof; upon failure to make such payment the party in default shall be liable to pay double the amount of tolls so as aforesaid due.

When tolls for use of stream to be due, and to whom payable.

SECTION 9. No person or persons shall be authorized or permitted to put into said Loshbaugh run for the purpose of floating the same over the improvements of said corporation, any saw logs or other timber over sixteen feet in length, without the written consent of said corporation; and all logs or timber intended to be floated down said stream shall be peeled before they shall be put into said stream.

Timber of certain length, not to be put into stream without company's consent.

Logs to be peeled.

SECTION 10. That all logs and other timber intended to be floated down said stream from any point shall be banked or piled outside of the bed or water course of said stream, and in no case shall any person or persons have authority to be permitted to pile logs, lumber or other material in the bed of said stream, or any part thereof, without the written consent of said corporation.

Timber to be banked on stream.

SECTION 11. That the said company may require from said person or persons as shall desire to use said stream a sworn statement of the amount of logs or lumber put into said stream to be floated down the same, which statement shall be furnished within ten days after service of notice of said requirement; upon failure to so furnish said statement, or being furnished if it shall be false and fraudulent, it shall be lawful for said corporation to recover treble the amount of tolls authorized by this act upon the actual amount of logs and lumber put into the said stream to be floated, and the person or persons making said false oath shall be liable to conviction for perjury as provided in the laws of this commonwealth.

May require statement from persons using stream.

Failure to furnish same, &c.

SECTION 12. That any person or persons violating the ninth and tenth sections of this act or either of said sections, shall forfeit and pay to the said corporation four times the amount of tolls authorized by this act for all logs or other timber so put into said stream, which said penalty shall remain a lien

Penalty for violating certain sections.

How enforced.

upon the said logs and timber, and may be enforced by a public sale of said logs or timber, after ten days public notice of the time and place of sale, by six written or printed handbills put up in public places in the vicinity of said Loshbaugh run, and by publication in one newspaper published in Cameron county and one published in Clinton county for same length of time, or by action of replevin, debt or assumpsit, at the option of the said corporation.

Tolls and penalties to be liens.

SECTION 13. That the tolls provided for in the seventh section of this act and the penalty or penalties provided for in eighth and eleventh sections thereof, shall remain a lien upon said logs and lumber, and may be enforced by sale as provided in the twelfth section of this act, or by action of replevin, debt or assumpsit as therein provided, but no such action at law shall be construed to release said lien.

How enforced.

Penalty for obstructing road or stream.

SECTION 14. That any person or persons wilfully obstructing in any manner said road or stream shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred dollars or imprisoned not exceeding sixty days, or both, at the discretion of the court.

APPROVED—the 18th day of December, A. D. 1873.

J. F. HARTRANFT.

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No. 333.

### AN ACT

To incorporate the Fishing Creek Improvement Company, in Columbia county.

Corporators.

SECTION 1. *Be it enacted, &c.,* That J. H. Harman, O. B. Mellick, F. Cooley, O. P. Ent, David Lowenberg and C. B. Brockway, and such as may associate with them, by subscribing to the capital stock hereinafter named, and their successors and assigns, be and are hereby created into a body politic and corporate in deed and in law, by the name, style and title of Fishing Creek Improvement Company, and by that name shall have perpetual succession, shall be able in law to sue and be sued, may have a common seal, shall be competent to make by-laws and regulations for the government of the affairs of the corporation, and generally shall have power to do and perform all those acts that are usually necessary and proper for the efficient management and well being of the corporation hereby created.

Title.

Powers and privileges.

May improve and use Fishing creek and branches.

SECTION 2. Power and authority is hereby given to said corporation to clear out, use and improve Fishing creek and its branches, from its mouth to such distance as the said corporation may deem desirable; and the said corporation shall have the right to use all dams now erected upon said stream, and to erect new dams in such manner and at such points as they may deem proper, and shall and may use all and each of said dams and the water of said stream, in the floating of timber, saw-logs, ties and other lumber, and shall generally have the right to straighten, deepen, widen and crib the chan-

nels of the stream in such manner as they shall see fit for the purpose aforesaid; and shall have the further power to erect dams, and schutes to dams already erected, and bracket all dams that are now or may hereafter be erected in said stream, so that no injury however is done to the water power or the owners thereof: *Provided*, That no unnecessary injury shall be thereby done to private property erected in and along said stream for manufacturing purposes: *And provided further*, That the parties owning such improvements shall use due diligence in passing all logs, lumber and ties, by, over and through the same, and said parties shall not unnecessarily detain the logs, lumber or ties in their improvements.

SECTION 3. Said company shall also have authority to construct a boom on said creek, at such point or points as the directors may select, for such purpose, and have and exercise all and every necessary control over the same, and have full and complete authority to erect such mill or mills for the manufacture of such lumber as the stockholders may desire, and may build and equip any railroad or railroads necessary to transport their lumber to any neighboring railroads or towns.

Construct boom.

Erect mills, and build railroads.

SECTION 4. That the capital stock of said corporation shall be ten thousand dollars, and shall be divided into one hundred shares of one hundred dollars each; and the persons named in the first section of this act, or a majority of them, shall organize the said corporation by opening books for the subscription to the capital stock, at the office of C. B. Brockway, in the town of Bloomsburg, within six months after this act shall have become a law, but fifteen days' notice of the time and place of opening said subscriptions shall first be published in one weekly newspaper in said county of Columbia; and after a majority of stock shall have been subscribed, after notice given as aforesaid, the stockholders shall proceed to elect five directors to manage the affairs of said company, one of whom shall be president of the company; and the election of directors of the company shall thereafter be held annually upon the first Monday of January, at the office of the company, in the town of Bloomsburg, and each share of stock shall be entitled to one vote in said election; and if it shall happen from any cause that the annual day of election shall pass without any election being held, the directors then in office shall remain such until successors be elected, which said election may be held at any time thereafter, ten days' notice of the time and place of holding the same having been given in the manner aforesaid: *Provided*, That the said corporation may increase their capital stock to one hundred thousand dollars if so much money be needed, and no sale or transfer of the same or any share thereof shall be made without the consent of a majority of the other stockholders.

Capital stock.

Organization.

Election of directors.

Increase of stock.

Sale or transfer of same.

How capital stock may be used.

SECTION 5. The capital stock aforesaid shall be used in improving the stream aforesaid, in building a boom if the same shall become necessary, and in erecting and equipping such mill or mills, railroad or railroads, as the majority of

calling in of stock. the directors may determine, and in liquidating the ordinary and necessary expenses of the corporation; and the directors are authorized to call in stock in such manner and in such proportions as they may by the by-laws provide, and if the instalments of stock thus called in are not paid within thirty days after demand, the directors may sell the said delinquent stock at auction, in the manner and after the notice now required by law in case of sheriff's sale of personal property.

Tolls for use of stream.

SECTION 6. That the said company shall have the right to demand and receive from any and every person using the said stream for the purpose of running and floating lumber down its waters, a sum not exceeding fifty cents per thousand feet, board measure, for all logs, ties, timber and lumber and other floating material put in said stream; and all tolls for the use of navigation shall be payable, if no demand be made for the same in advance, to the treasurer of the company, within ten days after the lumber shall have been started in said stream. and on failure to make such payment, the party in default shall pay the tolls with fifty per cent. added thereto; and the logs, lumber and material, so floated, shall be subject to a specific lien for said tolls, which said lien shall not be divested by the manufacture into boards or other lumber, or by any sale thereof, until the tolls be paid; and the said lien may be enforced either by retention of possession or replevin of the logs or lumber aforesaid, whenever or wherever the same may be found; and the said company shall have the right to seize and sell at public sale at any point they may select in this commonwealth, enough of the timber, logs and lumber, so floated, to pay the tolls due with penalties incurred and cost of so doing, and after so doing they shall return the surplus, if any, to the proper owner: *Provided*, That before such sale shall be made, public notice thereof shall be given by ten written or printed notices, posted in public places near the place of sale at least twenty days prior thereto: *And provided further*, That twenty days' notice of the time and place of such sale and a description of such logs or other property with the marks or owners thereof, where ascertained or known, shall be published in one newspaper published in Bloomsburg, in the county of Columbia.

Lumber subject to lien for tolls.

How enforced.

May seize and sell lumber to pay tolls.

To file bond to indemnify property holders.

SECTION 7. That said company shall file a bond in the court of common pleas of Columbia county in the sum of five thousand dollars, with three sureties to be approved by the court, conditioned to indemnify all property holders on said stream for any damages to their lands by reason of said improvement: *Provided*, That said corporation shall pay into the treasury of the commonwealth, such bonus and taxes as are now or may hereafter be required by law; and the stockholders of said company shall be individually liable for all debts due mechanics, workmen and laborers employed by said company, and for all materials and provisions furnished to said company, to be sued for and collected as is provided in the twelfth, thirteenth and fourteenth sections of the act incorporating the Lackawanna Coal and Iron Company, ap-

Bonus and taxes.

Individual liability.

proved the fifth day of April, one thousand eight hundred and fifty-three.

APPROVED—The 18th day of December, A. D. 1873.

J. F. HARTRANFT.

No. 334.

## AN ACT

To incorporate the Saint Clair Bank of the city of Pittsburg.

SECTION 1. *Be it enacted, &c.,* That Thomas Hill, E. L. Goodwin, W. H. Edgerton, John M'Gill, John U. Gill, J. B. Barlow, R. H. Palmer, E. M'Kenna, S. Schoyer, Jr., West-ly M'Murray, Louis Fickerson and James M'Kelly, Jr., and all others who shall hereafter become shareholders in the corporation created by this act, and their successors, shall be and they are hereby made a body politic and corporate, by the name and style of the Saint Clair Bank, to be located in the city of Pittsburg, and have its office there, and by that name shall have perpetual succession and may sue and be sued, plead and be impleaded in any court whatever, have a common seal and alter and renew the same at pleasure, and also have the right to own and hold such real estate as may be necessary for the transaction of the legitimate business of the bank, and improve or dispose of the same at pleasure, so far as may be necessary for the legitimate transaction of its business.

Name.

Powers and privileges.

SECTION 2. The capital stock of the said bank shall consist of two thousand shares of the value of fifty dollars each, with the privilege of increasing the same from time to time by a vote of the directors to an amount not exceeding in the whole six thousand shares of like par value, and when the capital stock is so increased, the stockholders shall have the right to take the shares authorized by such increase and at such prices not below par value as the board of directors may name; that if such shares of the new stock are not taken by the stockholders within sixty days after receiving notice of such increase, then the board of directors may dispose of such shares of such stock as may to them seem best, but not below the par value thereof.

Capital stock.

SECTION 3. The corporators, or a majority of them, shall have power to open books for subscription to the capital stock at such time and place as they may deem most expedient, and when one thousand shares or more of said stock shall have been subscribed and fifty per centum thereon paid in, the shareholders may elect five directors to serve until the next annual election or until their successors shall have been duly elected and qualified. Vacancies arising from death, resignation or inability to serve to be filled by the board. The board shall elect one of their number as president and one as vice president: *Provided*, That all of the capital stock shall be paid in within one year after commencing business.

Subscriptions.

Election of directors.

Vacancies.

When stock to be paid in.



Banking privileges.

**SECTION 4.** The said bank shall have power to borrow and lend money for such periods as the bank shall see fit, may discount any bill of exchange, foreign or domestic, promissory note or negotiable paper, judgments, mortgages or real estate securities, and the interest at legal rates may be received in advance, and shall have the right to hold in trust or as collateral security for loans, or advances, or discounts, estates, real, personal or mixed, notes, bonds, obligations or accounts of the United States, the state of Pennsylvania, individuals or corporations, and to purchase, collect and adjust the same, and to dispose thereof for the benefit of the said bank or to the payment of the debts as security for which the same may be held.

By-laws.

**SECTION 5.** The board of directors shall make all by-laws necessary for properly conducting the business of the bank, not inconsistent with the laws of this state or of the United States; make such laws and investments of the capital stock of said bank and the surplus fund thereof as to them shall seem best; shall have power to require payment of any amount remaining unpaid on the stock of said bank at such times and in such proportions as they think proper; *Provided*, That after thirty days' notice, under penalty, in case of non-payment as required, of forfeiture to the bank of such stock and all previous payments.

Investments.

Payment of amounts remaining unpaid on stock.

Further banking privileges.

**SECTION 6.** The said bank may receive money to keep for its depositors either with or without interest payable thereon, may buy or sell bullion, buy, sell, draw or negotiate bills of exchange, bills of lading, stocks and bonds of all companies, states, of the United States, or other good and sufficient securities.

May act as treasurer and financial agent.

**SECTION 7.** It shall be lawful for said bank to transact financial business as a natural person, and as such to become and act as a treasurer and financial agent of charitable and religious institutions, individuals or corporations, and as financial agent of the state of Pennsylvania, and other states, of cities, boroughs, townships and counties, in the management of their business, and shall give security to such institutions, individuals, states and municipal governments for the faithful performance of duties, if required.

Deposits by minor and married women.

**SECTION 8.** It shall be lawful for said bank to receive money on deposit for minors and married women, or in their behalf, and payment of the money so deposited to the minors and married women depositing the same, or in whose behalf the same has been deposited, shall be good and valid payments, and fully protect said bank from any other person or persons claiming said money.

Dividends.

**SECTION 9.** The board of directors shall have power to declare and pay dividends out of the earnings of the bank to the stockholders at such times and in such amounts as to them shall seem proper: *Provided*, That in so doing the capital stock of said bank shall not be impaired.

Annual election.

**SECTION 10.** The annual election for directors shall be held on the first Tuesday of January of each year, until otherwise directed by the by-laws of the said bank, and at such elections stockholders shall be entitled to one vote for

each share of stock, to be given either in person or by a written proxy, such proxy, however, shall be dated not more than six months nor less than five days prior to the election at which any vote is cast in pursuance of it; and notice of such election shall be given at least five days prior to the time thereof, by publication in one or more daily papers of the city of Pittsburg.

SECTION 11. The president and vice president of the said bank, shall be chosen by the board of directors from their own number; the other officers and employees of the said bank shall likewise be appointed by the said board.

President and other officers.

SECTION 12. The said corporation shall pay into the treasury of the commonwealth such bonus and taxes as are now or may hereafter be required by law.

Bonus and taxes.

SECTION 13. This charter shall continue for twenty years, but the legislature reserves the right to revoke, annul, or alter the same, at any time when it shall be deemed necessary for the public good: *Provided however*, That no injury be done to the stockholders.

Limitation.

Reservation

SECTION 14. The stockholders shall be personally liable in double the amount of stock held by them to the depositors and creditors of said bank.

Individual liability.

SECTION 15. That said bank may take, receive, reserve and charge on any loan or discount made, interest at such lawful rate as is allowed by any general law of this state, now or hereafter regulating the rate of interest therein, and no more; and nothing in this act contained shall alter, change or effect the rate of interest provided for and established by this section.

Interest on loans and discounts.

SECTION 16. That it shall be lawful for said bank to purchase, hold, and convey real estate as follows: Such as shall be necessary for its immediate accommodation in the transaction of its business; such as shall be mortgaged to it in good faith by way of security for debts; such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings; such as it shall purchase at sales under judgments, decrees or mortgages held by such bank, or shall purchase to secure debts due to said bank; said bank shall not purchase or hold real estate in any other case or for any other purpose than is specified in this section, nor shall it hold the possession of any real estate under mortgage.

What real estate may be held.

APPROVED—The 18th day of December, A. D. 1873.

J. F. HARTRANFT.

No. 335.

AN ACT

To reduce the width of Juniata avenue, in the Twenty-eighth ward of the city of Philadelphia.

WHEREAS, The said Juniata avenue, by an act of assembly approved the fourth day of April, one thousand eight hun-

dred and sixty-eight, entitled "An Act vacating part of Nicetown lane, and reducing the width of Juniata avenue, in the Twenty-fifth ward of the city of Philadelphia," was reduced from the width of one hundred and twenty feet to the width of sixty feet, on the part of the said avenue extending from old York road to Germantown avenue :

SECTION 1. *Be it enacted, &c.,* That Juniata avenue, as the same is now laid down on the plan of the city of Philadelphia, extending from Germantown avenue to Twenty-third street, in the Twenty-eighth ward of said city, be reduced from the width of one hundred and twenty feet to the width of sixty feet; and that thirty feet of the space of sixty feet so taken from said avenue as now laid out, be vested in fee in the owner or owners of the real estate fronting on the northern line of said avenue as now laid out; and that thirty feet of said space of sixty feet so taken from said avenue as now laid out, be vested fee in the owner or owners of the real estate fronting on the southern line of said avenue as now laid out.

APPROVED—The 18th day of December, A. D. 1873.

J. F. HARTRANFT.

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No. 336.

### A SUPPLEMENT

To the charter of the Chambersburg Academy, enrolled twenty-ninth March, one thousand seven hundred and ninety-nine, under act of the general assembly of sixth April, Anno Domini one thousand seven hundred and ninety-one, entitled "An Act to confer on certain associations of the citizens of this commonwealth the powers and immunities of corporations or bodies politic in law."

SECTION 1. *Be it enacted, &c.,* That to enable the trustees of the Chambersburg Academy to purchase, hold and properly improve, within the restrictions of present charter of said academy as to its annual income, additional real estate essential to prosperity and usefulness of said academy, said trustees are hereby authorized and empowered to make and issue bonds of said trustees, in any sums not less than one hundred dollars, to any amount, not exceeding five thousand dollars, that they may be directed to make and issue, by a majority of the stockholders of said academy present at a special meeting of said stockholders to be held for the consideration of making and issuing of said bonds, after notice of the time and place of holding said meeting, and the object thereof, shall have been given during three weeks in all the weekly newspapers published in the borough of Chambersburg. Said bonds to be signed by the president and countersigned by the treasurer and sealed with the common seal of said corporation and made payable within twenty years from the date of the issue thereof and to bear interest not exceeding eight per centum per annum, and payment thereof to be secured by a mortgage upon a portion or all

of the real estate of said corporation as may be directed by a majority of the stockholders of said academy present at said meeting of said stockholders. That the trustees of the Chambersburg Academy are hereby exempted from the operation of the act of general assembly of May thirteenth, Anno Domini one thousand eight hundred and fifty-seven, entitled "An Act requiring publication of application to the legislature of this commonwealth, relative to real estate."

APPROVED—The 18th day of December, A. D. 1873.

J. F. HARTRANFT.

No. 337.

### AN ACT

To repeal an act, entitled "An Act for the preservation of good order in the offices of aldermen and justices of the peace in the county of Allegheny."

SECTION 1. *Be it enacted, &c.*, That all and singular the provisions of the act of the general assembly of this commonwealth, entitled "An Act for the preservation of good order in the offices of aldermen and justices of the peace in the county of Allegheny," approved the eighteenth day of April, Anno Domini one thousand eight hundred and seventy, be and the same is hereby repealed.

APPROVED—The 18th day of December, A. D. 1873.

J. F. HARTRANFT.

No. 338.

### AN ACT

To vacate Hart lane, from Twenty-seventh street to Ridge avenue, in the Twenty-eighth ward of the city of Philadelphia.

SECTION 1. *Be it enacted, &c.*, That upon petition of ten citizens of the city of Philadelphia, praying for the vacation of Hart lane, from Twenty-seventh street to Ridge avenue, in the Twenty-eighth ward of Philadelphia, the court of quarter sessions of said city shall appoint a jury of view in accordance with existing laws; and said jury shall, within thirty days after appointment and proper notice to parties, report to said court for or against the vacation of Hart lane, as aforesaid; and if said jury shall report in favor of such vacation, upon confirmation of said report by the court, said street shall be vacated, as aforesaid, and the soil over which the same passes shall then be vested in fee simple in the several owners of the ground fronting on said lane respectively.

APPROVED—The 18th day December, A. D. 1873.

J. F. HARTRANFT.

No. 339.

## AN ACT

Appointing commissioners to lay out a State road from Kane to Lafayette, in M'Kean county.

Commissioners appointed.

SECTION 1. *Be it enacted, &c.,* That F. W. Meese, James Hoop and A. Anderson be and they are hereby appointed commissioners to view, lay out and construct a state road, leading from Kane station, on the Philadelphia and Erie railroad, to Lafayette, in Lafayette township, M'Kean county.

Draft to be made and filed.

SECTION 2. That when said road shall have been surveyed and located, it shall be the duty of said commissioners to make a draft of the same, which shall be filed of record in the court of quarter sessions of M'Kean county; and when so filed, such drafts, and the record thereof, shall be legal evidence in all things relating to the same; and said road shall be a public road in the same manner as other roads laid out and opened by the proper township officers.

Authorized to levy and collect tax.

SECTION 3. That the said commissioners are hereby authorized to levy and assess a tax of ten mills on the dollar, upon all the property in the several townships through which said state road shall pass subject to county taxes, and to collect the same as county taxes and levies are now collected by law.

Quorum.

SECTION 4. That any two of the said commissioners shall be deemed a quorum and sufficient to do anything authorized to be done by this act; and in case of vacancy the court of quarter sessions of M'Kean county shall appoint a person or persons to supply the vacancy.

Vacancy.

Authorized to borrow money and issue bonds.

SECTION 5. That said commissioners are hereby authorized to borrow money in such sum as shall be necessary, not exceeding eight thousand dollars, and issue bonds therefor in sums of not less than one hundred dollars, and at a rate of interest not exceeding six per centum, redeemable within six years from the date thereof, which shall be a lien upon the townships through which said road shall pass, and which money shall be applied to the building of said road.

County commissioners to pay expenses of locating road.

SECTION 6. The commissioners of the county of M'Kean are hereby authorized and required to pay to said commissioners the sum necessary to defray the expenses of locating said road, out of the county funds, by orders drawn on the treasurer of said county; and said commissioners are authorized to employ a competent engineer to assist in locating said road, who shall be allowed a reasonable compensation for said services.

Commissioners may employ engineer.

To give security.

SECTION 7. The said commissioners, before entering upon the duties of their office, shall give a bond with at least one surety, conditioned for the faithful application of all moneys received by them, and for the faithful discharge of all the duties of their office, which bond shall be approved by the court of quarter sessions of the county of M'Kean, or by one of the judges of said county, and be noted upon the docket and filed among the records of the courts.

**SECTION 8.** That said commissioners shall annually settle Settle accounts annually. their accounts with the auditors of M'Kean county, and shall be allowed a reasonable compensation, not exceeding two Compensation. dollars and fifty cents per day each for the time they shall be engaged in laying out, opening and making said road.

**SECTION 9.** The powers and authority hereby given to the Limitation of powers conferred. commissioners named in the first section of this act shall continue for six years and no longer.

APPROVED—The 18th day of December, A. D. 1873.

J. F. HARTRANFT.

No. 340.

### AN ACT

To enable the commissioners for the erection of public buildings in the city of Philadelphia and the West Philadelphia Passenger Railway Company to arrange for the change of the tracks of said company, so that they shall pass around the site of the new public buildings now in process of erection at Penn square, in the city of Philadelphia, instead of passing through said site.

**SECTION 1.** *Be it enacted, &c.,* That the commissioners for the erection of public buildings, in the city of Philadelphia, be and they are hereby authorized to remove the tracks of said West Philadelphia Passenger Railway Company now laid through Penn square, in said city, and to lay such new tracks in lieu thereof, on either side or both sides of the site of the new public buildings now in process of erection on said Penn square, to connect with the present tracks of said company, as shall be necessary and proper to allow of the convenient passing, by the cars of said West Philadelphia Passenger Railway Company, of the obstacle which is presented by the new public buildings; and the said West Philadelphia Passenger Railway Company are hereby authorized and empowered, whenever said new tracks are or shall be laid and connected with their present tracks extending eastward and westward from Penn square, to use the same and run their cars thereon as fully to all intents and purposes as if the said new tracks had been specifically provided for in the act of incorporation of said company, approved May fourteenth, one thousand eight hundred and fifty-seven; and any tracks heretofore laid by the said commissioners on either side or both sides of the site of the said new public buildings with a view of connecting, as aforesaid, with the present tracks of said West Philadelphia Passenger Railway Company, are hereby authorized and approved as if the same had been laid under the express authority of this act: *Provided*, That nothing in this act shall be construed to allow the tracks of said railway to be connected across said Market street at or near Penn square: *Provided*, That said company shall not have any claim for damages against said city in consequence of said change of tracks.

APPROVED—The 18th day of December, A. D. 1873.

J. F. HARTRANFT.

No. 341.

## AN ACT

To incorporate the Lehigh Avenue Railway Company of Philadelphia.

Corporators.	SECTION 1. <i>Be it enacted, &amp;c.,</i> That William L. Elkins, Thomas J. Barger, George W. Shaffer, Robert Morris, Alexander Clay, George Biles, Joseph M. Maneley, Albert List, Henry Smith, Frank R. Marshall, James Gaw, E. M'Dowell, Wm. Bradley and Robert H. Edgar, and their associates and successors, be and they are hereby constituted a body politic and corporate by the name, style and title of the Lehigh Avenue Railway Company of Philadelphia, and as such they shall have the right to lay out and construct, or cause to be laid out and constructed, a railway in the city of Philadelphia, along such route and streets as are hereinafter provided for, namely: Beginning at Second street and Lehigh avenue, and thence along said avenue, with a double track, to the entrance to East Fairmount park.
Title.	
Right to construct railway.	
Route.	
Capital stock.	SECTION 2. The capital stock of said company shall consist of twelve thousand shares of fifty dollars each, with the right to increase by a majority of the stockholders to twenty thousand shares.
Authorized to borrow money and issue bonds.	SECTION 3. The said company shall have the power and authority to borrow money in any sum or sums not exceeding in amount one-half of the par value of the capital stock, at a rate of interest not exceeding seven per centum per annum, and to secure the re-payment of the same and the interest thereon, to give bonds secured by a mortgage of and on the said railway and the corporate rights and franchises guaranteed by this act, which principal moneys shall be payable at such dates and times as the board of directors may deem advisable.
Right to purchase real estate, erect buildings, &c.	SECTION 4. The said company shall have the right to purchase such real estate, and erect or cause to be erected, such buildings and improvements thereon, from time to time, and use and hold the same, and further, to have the right to purchase all necessary equipments, such as horses, cars and other vehicles, and all needful appendages for the conveyance of passengers on and over said railway, as may be deemed necessary or convenient for the accommodation and purposes of said company: <i>Provided</i> , That said railway shall conform in gauge to the passenger railways now laid in the city of Philadelphia, and no freight or burthen trains or locomotives shall be permitted to pass over said railway.
Gauge.	
Prohibition.	
Dividends.	SECTION 5. That dividends of so much of the profits of said company as shall appear to be advisable to the directors, shall be declared semi-annual in each and every year, and be paid at the office of the said company at any time after ten days after declaring the same; but such dividends shall in no case exceed the amount of the net profits of said company, so that the capital stock thereof shall at no time be impaired thereby; and if said directors shall make and de-

declare any dividends impairing the capital stock of said company, the directors consenting thereto shall be liable in their individual capacities to said company for the amount so divided, and each director present when such division shall be declared, shall be considered as consenting thereto, unless he or they shall at the time thereof enter his or their written protest against the same, and shall cause the said protest to be entered upon the minutes of the board and give public notice of the same.

SECTION 6. The said company shall make, have and use a common seal, and alter and renew the same at pleasure, and also have the power to ordain, establish, and put in execution such by-laws, ordinances and regulations as shall appear necessary or convenient for the government of the said corporation, and not being contrary to the constitution of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them shall lawfully appertain for the well-being of said corporation, and the proper order and management thereof.

SECTION 7. That the persons herein named, or a majority of them, may proceed to organize said company, and obtain subscriptions to the capital stock thereof; and said company shall have power to elect a president, vice president and five directors, a majority of whom shall be citizens of Philadelphia, and also such other officers as may be deemed expedient; and at all elections, each share of stock represented either in person or by proxy, shall entitle the holder to one vote.

SECTION 8. The said company shall be subject to all the provisions of an act regulating railroad companies, approved the nineteenth of February, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as the same are not altered or supplied by this act: *Provided*, That the provisions in the first section of said act, which requires the commissioners named in any special act, incorporating any passenger railroad company, to give notice of the time and place for opening books for receiving subscriptions to the capital stock of such companies, is hereby declared not to extend or apply to this act, or the commissioners herein named; and the said company, in constructing their road, shall conform to the surveys and grades now established or hereafter to be established by law, of the several streets or avenues traversed by said road, and shall be at the entire cost or expense of re-paving that may be made necessary upon any street on account of laying the track of said company; and it shall not be lawful for said company to run their cars at a greater speed than six miles an hour; and the said company is hereby authorized and empowered to construct and lay the said railway, at any time hereafter that the consent of the city council of Philadelphia shall be obtained thereto; but whenever the said railway, shall be laid and used by running passenger cars thereon, the said company shall be subject to the ordinances of the city of Philadelphia, regulating the running of passenger railway cars.

Seal, by-laws, &amp;c.

Organization.

Election of officers.

Votes.

Subject to general railroad act of 1849.

Proviso.

To conform to established surveys and grades.

Pay cost of re-paving.

Rate of speed limited.

When to be subject to city ordinances.



Right to cross at grade and connect with other roads.

**SECTION 9.** The said company shall have right to cross at grade, any railroad or railway that is now or may hereafter be built within the limits of the city of Philadelphia, and also to connect their railway with that of any other passenger railway company for the purpose of completing a route or making a circuit, upon such terms and conditions as may be agreed upon by such other company or companies and the said Lehigh Avenue Railway Company of Philadelphia, and in case said railway companies cannot agree thereupon, such terms as the district court of Philadelphia may prescribe and enjoin.

Tax to city.

**SECTION 10.** That the said company shall pay annually into the treasury of the city of Philadelphia, for the use of said city, whenever the dividends declared by said company shall exceed six per centum per annum on the par value of the capital stock thereof, a tax of six per centum on such excess over six per centum on the par value thus declared; and the said company shall also pay such license for each car now run by said company, as is now paid by other passenger railway companies in the city of Philadelphia.

Subject to centennial act of March 25, 1873.

**SECTION 11.** And the said Lehigh Avenue Railway Company shall be liable to the provisions of the act approved March the twenty-seventh, Anno Domini one thousand eight hundred and seventy-three, entitled "An act to authorize a permanent centennial exposition building for the people of the commonwealth, et cetera," so far as said act relates to the railroad companies of the city of Philadelphia.

APPROVED—The 18th day of December, A. D. 1873.

J. F. HARTRANFT.

## No. 342.

### AN ACT

To relieve North Lebanon township, in the county of Lebanon, from maintaining and keeping in repair a certain bridge over the Union canal at Heilman's Dale, in said township.

**SECTION 1.** *Be it enacted, &c.,* That the county of Lebanon is hereby required to maintain and keep in repair a certain bridge over the Union canal at Heilman's Dale, in the township of North Lebanon, in said county, as other bridges over said canal are now maintained by the commissioners of said county.

APPROVED—The 18th day of December, A. D. 1873.

J. F. HARTRANFT.

No. 343.

## AN ACT

To incorporate the Church Building Society of the East Pennsylvania Conference of the Evangelical Association of North America.

WHEREAS, The members of the East Pennsylvania Conference of the Evangelical Association have united themselves into a society, for the purpose of affording help to poor and feeble churches and congregations within the bounds of said conference in procuring or erecting houses of public worship; therefore,

SECTION 1. *Be it enacted, &c.,* That the members of the East Pennsylvania Conference of the Evangelical Association, and their successors, are hereby constituted and declared a body corporate by the name and title of the Church Building Society of the East Pennsylvania Conference of the Evangelical Association of North America.

SECTION 2. That the location of said corporation shall be in the city of Reading, county of Berks and state of Pennsylvania.

SECTION 3. That said society shall have power to make and use a common or corporate seal, and to change, alter or amend the same at pleasure, and by their corporate name shall be competent in law to sue and be sued in any court of this commonwealth; and they shall have power to make and establish such rules, regulations and by-laws, not inconsistent with the constitution and laws of this commonwealth, or with the rules and discipline of the Evangelical Association of North America, as they may deem necessary or convenient for the government of the corporation and for conducting or managing their business, providing for the election or appointment of a treasurer and secretary and such other officers and agents as the business of the company may require, and may take by gift, grant or devise, and hold and convey, real and personal property, according to the rules and regulations of the society.

SECTION 4. The members of said corporation may elect an executive committee of not less than five nor more than nine members, who shall take charge of the real and personal property belonging to the corporation, and transact all its business in the interval of the annual sessions of the corporation, according to the rules and regulations of the society.

SECTION 5. The property of said corporation shall be devoted to the purposes and objects mentioned in the preamble of this act; and all real and personal estate which may be hereafter lawfully conveyed by devise, gift, grant, purchase or otherwise to said society, shall descend with the improvements in perpetual succession, and shall be held by said executive committee and their successors in trust for said corporation.

SECTION 6. That the said corporation shall have power to increase its capital stock by a vote of a majority of its members at an annual meeting, to such an amount as they may

from time to time deem necessary, not exceeding in the aggregate six hundred thousand dollars.

APPROVED—The 18th day of December, A. D. 1873.

J. F. HARTRANFT.

No. 344.

#### AN ACT

To vest the title of **Yankee Hill Burial Ground** in the **Cambridge Cemetery Association**.

**SECTION 1.** *Be it enacted, &c.,* That the title to the burial ground commonly known as **Yankee Hill Burial Ground**, with the additions thereto, situated in **Cambridge township**, **Crawford county**, is hereby vested in the **Cambridge Cemetery Association**, to have, to hold the same for burial purposes, subject to the charter and by-laws of said corporation: *Provided*, That nothing in this act shall interfere with any title acquired by persons owning lots prior to this date, or with the vested rights of any other person, persons or corporation claiming the same.

APPROVED—The 18th day of December, A. D. 1873.

J. F. HARTRANFT.

No. 345.

#### • A FURTHER SUPPLEMENT

To an act, entitled "A supplement to an act to incorporate the **Freeport and Shenango Valley Railroad and Coal Company**," approved the tenth day of February, Anno Domini one thousand eight hundred and seventy, re-enacting the same and extending the time for commencing said road.

**SECTION 1.** *Be it enacted, &c.,* That the provisions of an act, entitled "A supplement to an act, entitled '**An Act to incorporate the Freeport and Shenango Valley Railroad and Coal Company**,'" approved the tenth day of February, Anno Domini one thousand eight hundred and seventy, are hereby re-enacted and continued, and the time for commencing said railroad extended for three years from the passage of this act.

APPROVED—The 18th day of December, A. D. 1873.

J. F. HARTRANFT.

No. 346.

## AN ACT

To incorporate the Reading City Passenger Railway Company.

**SECTION 1.** *Be it enacted, &c.,* That the George K. Frill, James Millholland, David M. Knight, George W. Buckman, William H. Parvin and such others as may become associated with them, their successors and assigns, are hereby constituted a body politic and corporate by the name, style and title of the Reading City Passenger Railway Company, and as such they shall have exclusive power to construct a street passenger railway with single or double tracks, commencing at the foot of Sixth street; thence north to city line; thence east by the nearest and most convenient route to Ninth street; thence south to Laurel street; thence west to Sixth street, together with a branch commencing at Sixth and Robison streets; thence westward to Centre avenue; thence south to its junction with Fourth street; thence along Fourth street to the southern city limits; thence east, by the nearest or most convenient route, to Sixth street, together with a branch commencing at Bern street, thence westward to Centre avenue: *Provided,* That the said railroad shall be constructed of the gauge of five feet two inches: *And provided,* That the said railroad shall not cross at grade or be constructed along or upon any street, lane or alley in the said city parallel to and at a point upon which are located either the Philadelphia and Reading railroad, the East Pennsylvania railroad, the Lebanon Valley railroad, the West Reading railroad or Bucks County railroad; and the said company shall have the right to purchase real estate and to erect thereon such buildings and improvements as may be necessary or expedient for the purposes and conveniences of said company, and also to make or purchase the necessary equipments for the conveyance of passengers on said railway.

Corporators.

Title.

Exclusive power to construct railway.

Route.

Branches.

Gauge.

Prohibition.

Right to purchase real estate, erect buildings, &amp;c.

**SECTION 2.** That the capital stock of said company shall consist of one thousand shares at fifty dollars each: *Provided,* That said company shall have power, by a vote of the stockholders convened for that purpose, to increase their capital stock as much as in their opinion shall or may be necessary to carry out the full and true intent and meaning of this act; and should the capital stock at any time be increased, the stockholders, at the time of such increase, shall be entitled to a *pro rata* share of such increase upon the payment of the par value of the same, said right to be forfeited if not availed of within ten days of the time fixed for such subscription by public notices; and the said company may borrow money to an amount not exceeding their capital stock, and may issue therefor their bonds, with interest not exceeding seven per centum per annum, and for the securing the payment of said bonds, with the interest, may execute a mortgage or mortgages upon their road and property, including the corporate rights and franchises granted by this

Capital stock.

Increase.

May borrow money and issue bonds.

act, and may annex to such bond the privilege of converting the same into the capital stock of the company, at par, at the option of holders: *Provided*, That said company shall not issue certificates of loan of a less denomination than one hundred dollars.

Dividends.

SECTION 3. That dividends of so much of the profits of said company as shall appear to be advisable to the directors shall be declared in months of January and July, in each and every year, and be paid at the office of said company at any time after ten days after declaring the same; but such dividends shall in no case exceed the amount of the net profits of said company so that the capital stock thereof shall at no time be impaired thereby; and if said directors shall make and declare any dividend impairing the capital stock of said company, the directors consenting thereto be liable in their individual capacities to said company for the amount so divided, and each director present when such dividend shall be declared shall be considered as consenting thereto, unless he or they shall, at the time thereof, enter his or their written protest, to be entered upon the minutes of the board, and give public notice of the same.

Seal, by-laws, &c.

SECTION 4. That the said company shall make, have and use a common seal, and alter and renew the same at pleasure, and also shall have the power to ordain, establish and put in execution such by-laws, and ordinances and regulations as shall appear necessary or convenient for the government of said corporation, and not being contrary to the constitution of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them shall lawfully appertain for the well-being of said corporation and the proper order and government thereof.

Organization.

Election of officers.

SECTION 5. That the persons herein named, or a majority of them, may proceed to organize said company and obtain subscriptions to the capital stock thereof; and said company shall have power to elect by ballot from among the stockholders, a president, vice president and five directors, a majority of whom shall be citizens of the city of Reading, and also such other officers as may be deemed expedient; and at all elections, as for all other purposes, each share of stock represented, either in person or by proxy, shall entitle the holder to one vote.

Votes.

Councils may establish regulations for paving, &c.

SECTION 6. That councils of the city of Reading shall have power to establish such regulations in regard to said railway, as may be required for the purpose of paving, repairing, grading, culverting, and laying gas and water pipes in and along the streets of said city used by said company, and to prevent obstructions thereon.

Fare limited.

Commencement and completion.

SECTION 7. No greater fare than seven cents for any trip or any portion thereof, shall be charged by said company: *Provided*, That if said road be not commenced within two years, and completed within five, this act to be void and no effect.

APPROVED—The 18th day of December, A. D. 1873.

J. F. HARTRANFT.

No. 347.

## AN ACT

To authorize the Chester Gas Company, in the county of Delaware, to increase its capital stock.

**SECTION 1.** *Be it enacted, &c.,* That the Chester Gas Company may, by a majority vote of the stock represented at any general or special meeting, increase its capital stock, from time to time, and in such amounts as may be determined upon at such meeting, to any amount not exceeding in the aggregate two hundred thousand dollars: *Provided,* That the said company shall pay into the state treasury such taxes as may by law be imposed upon the amount of said capital stock at any time issued.

APPROVED—The 19th day of December, A. D. 1873.

J. F. HARTRANFT.

No. 348.

## AN ACT

To incorporate the Landed Security Company.

**SECTION 1.** *Be it enacted, &c.,* That George Arthur, Henry Richardson, William King, F. S. Irvin, C. E. Rollins, William Gillin, and their associates, be and are hereby made and created a body politic in law by name, style and title of the Landed Security Company, and by that name shall have succession and be capable by law to hold and dispose of property, to sue and be sued, to implead and be impleaded, and to make and receive all deeds, transfers, contracts, covenants, conveyances, grants and assurances in the law whatsoever, and to make, have and use a common and corporate seal, and the same to change, alter and renew at pleasure, and generally to do every other act or thing necessary to carry into effect the provisions of this act and promote the object and design of said corporation.

Corporators.

Title.

Powers and privileges.

**SECTION 2.** That the capital stock of this company shall consist of two thousand shares of the par value of fifty dollars each, with the privilege of increasing the same to an extent not exceeding thirty thousand shares, payable as increased, within one year after such increase, in such instalments as the by-laws of the said company may require; but business shall not commence until one hundred thousand dollars is fully paid in; said corporation shall have power to receive deposits at such rates of interest as may be agreed upon, to act as executors, administrators, guardians, trustees, receivers, or in any other fiduciary capacity, upon giving security if required so to do by a proper court, and to buy and sell real estate securities, mortgages and ground rents, and to invest its funds in loans upon such mortgages and upon such other collateral securities as its board of directors may deem ample and sufficient; and the said company shall

Capital stock.

Commencement of business.

Further powers.

Special mortgage trust department.	have power to guarantee the payment of the principal and interest of mortgage, upon such terms as may be agreed upon, and is hereby also authorized to organize and maintain a special mortgage trust department for the purpose of making loans upon mortgages of real estate, and to issue certificates of investment, based upon and secured by said mortgages, which said certificate shall be negotiable and transferable by endorsement approved by said company; such mortgages when purchased out of the said special mortgage trust fund, shall, on the face or in the assignment thereof, be made or transferred to said company in trust for said fund, and after being recorded, said mortgage shall be registered in the office of the said company; no certificate of investment as aforesaid shall be issued by said company until the number, date and amount of the same shall have been in like manner registered; said certificates shall be of such amount as may be convenient, and the aggregate outstanding at any time shall not exceed the aggregate of the mortgages so held and registered by said company in trust for special mortgage fund; whenever any of said mortgages so held in said special mortgage trust fund shall be paid in whole or in part, it shall be the duty of the said company to pay and withdraw an equal amount of the said certificates of investment, and to cancel the same.
Certificates of investment.	
Purchase of mortgages out of trust fund.	
* Certificates to be registered.	
Amount of certificates.	
Duty of company on payment of mortgages.	
Liable for payment of certificates of investment.	SECTION 3. The said company shall be absolutely liable for the payment of said certificates of investment, with interest thereon, as the same shall fall due, according to the tenor and effect thereof, and shall be entitled to use all ways, means and remedies provided by law for the collection of said mortgages and the bonds secured thereby, in as full and ample a manner as if the said bonds and mortgages had been made or transferred to said company absolutely and discharged of any trust; and the same company may sell, assign and transfer any of said bonds and mortgages without liability on the part of the purchaser to look to the application of the purchase money; but in every such case, said company shall pay, withdraw and cancel an equal amount of the said certificates of investment as hereinbefore provided in case of payment, or re-invest in mortgages of said amount; the bonds and mortgages so taken by said company shall be held and deemed a specific trust for the guarantee and redemption of the certificates of investment so issued as aforesaid, and shall not be liable for any other debt or obligation of the company until all of the certificates outstanding shall have been paid, redeemed and cancelled; after paying the interest on the said certificates of investment, the said company shall be entitled to any surplus of interest and commissions accruing in consideration of its management of said trust and guarantee of said certificates of investment, the said certificates of investment shall be a legal investment in all cases where investments of trust funds are to be made: <i>Provided</i> , Said investment shall be approved by the proper court or register.
May collect mortgages and bonds, and sell same.	
Bonds and mortgages taken by company, a specific trust for guarantee of certificates.	
Company entitled to surplus of interest on certificates, &c.	
Certificates a legal investment for trust funds.	
May hold property as security for loans and debts.	SECTION 4. It shall be lawful for the said corporation hereby created, to take and hold any real or personal estate in trust or otherwise, as security for or in payment of loans and debts

due or to become due to the said company, to purchase real estate or other property at any sale made in virtue of any loan, debt or mortgage to or held by said company, and to receive or hold in satisfaction of any such loan or debt any real estate or other property, and to hold, lease or convey the same at pleasure.

**SECTION 5.** The corporators named in the first section of this act, or any five of them, shall have power to sign a certificate of the election of a president and not less than five directors for said company, which president and directors shall open books for subscription at such times and places as they may deem expedient; and when not less than two thousand shares shall have been subscribed, the shareholders may elect not less than four directors to serve until the next annual election or until the successors shall be duly elected and qualified; and the directors so elected of said company, when it shall have been organized, may and they are hereby authorized and empowered to have and to exercise, in the name and in behalf of the company, all the rights and privileges which are intended to be hereby given, subject only to such liabilities as other shareholders are subject to, which liabilities are no more than for the payment to the company of the sums due or to become due to the shares held by them; and should the capital stock at any time be increased, the stockholders, at the time of such increase, shall be entitled to a *pro rata* share of such increase upon the payment of the par value of the same; the directors shall be elected annually by the stockholders at such time as the by-laws may direct, and they shall elect from their number, at the first meeting of the board after their election, a president and vice president, and shall have power to elect a treasurer and secretary and such other officers, clerks and agents as the business of the company may require; all elections for directors shall be by ballot, and every stockholder shall be entitled to one vote for each share of stock held by him; the directors and officers when elected shall serve until the next annual election or until their successors shall be duly elected and qualified; at the annual or special meetings a quorum shall consist of stockholders owning at least one share of the capital stock; the board of directors shall make all by-laws necessary for conducting the business of the company, which by-laws shall, at all times, be accessible to all persons transacting business with them; the directors shall have power to require payment of the amount remaining unpaid on the stock of said company, at such times and in such proportions as they shall think proper, and under the penalty, in case of non-payment as required, of forfeiture to the company of such stock and all previous payments thereon; the said assessments to be made as the by-laws of said company shall direct.

**SECTION 6.** The said company shall pay to the state treasurer for the use of the state, a bonus of one-fourth of one per cent. on the sum required to be paid in previous to the organization, in two equal annual instalments, the first payment to be made in one year after the payments of the capital stock shall be made, and also a like bonus on all subsequent

Purchase property at sales, &c.

Certificate by corporators.

Subscriptions.

Election of directors.

Power and authority of directors.

Right of stockholders in case of increase of capital stock.

Annual election.

Officers and agents.

Votes.

Quorum.

By-laws.

Payment of amounts remaining unpaid on stock.

Bonus and taxes.



payments on account of the capital stock of said company or any increase thereof, payable in like manner, and in addition to such bonus shall pay such taxes as are or may be imposed by law: *Provided*, That the provisions of this act shall only apply to the counties of Philadelphia and Allegheny: *Prohibition. Provided*, That nothing herein contained shall authorize the company to engage in the business of banking, or to charge more than the legal rate of interest.

APPROVED—The 22d day of December, A. D. 1873.

J. F. HARTRANFT.

No. 349.

### AN ACT

To incorporate the Treaty Island Bridge and Railroad Company.

Preamble.

WHEREAS, The legislature of New Jersey has heretofore incorporated the Treaty Island Bridge, Railroad and Ferry Company, with power to construct a bridge and railroad from Treaty island, in the Delaware river, to the New Jersey shore:

*And whereas*, It is advisable that provision should be made for the extension of said bridge and railroad to the Pennsylvania shore;

Corporators.

Title.

Powers and privileges.

SECTION 1. *Be it enacted, &c.*, That Joseph Lesley, R. D. Barclay and John P. Green, be and they are hereby created a body corporate and politic by the style and title of the Treaty Island Bridge and Railroad Company, and by that name shall have perpetual succession and all the rights, privileges, franchises and immunities incident to a corporation, and be capable of purchasing, holding, using, improving and disposing of all such real and personal estate, and of receiving and making all deeds, conveyances, bonds, mortgages, contracts and agreements that may be necessary or expedient for the objects and purposes of this incorporation, not to exceed at any one time five thousand acres.

Capital stock.

SECTION 2. That the capital stock of said company shall consist of two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, with the privilege of increasing the same, from time to time, to any amount not exceeding one million of dollars.

May borrow money and issue bonds.

SECTION 3. That the said company shall have the right to borrow money and issue bonds therefor to the amount of its capital stock, and secure the same by one or more mortgages on the property of the company, its corporate rights and franchises; said bonds to bear a rate of interest not exceeding seven per centum.

Power to construct bridge.

SECTION 4. That the said company shall have power to construct and maintain a bridge, with suitable avenues or approaches leading thereto, for the passage of railroad engines and trains, vehicles, foot passengers and all other kinds of travel across the Pennsylvania channel of the Delaware river, from Treaty or Petty's island to a suitable point on

the Pennsylvania shore north of the present depots of the Philadelphia and Reading Railroad Company at Richmond; said bridge shall be of a height above high water not less than the present bridge over the Schuylkill river at Market street, and shall be constructed with spans of not less than two hundred feet, except the draw span, which shall cover two hundred and fifty feet with a draw at least one hundred feet clear on each side of the pier.

Height of bridge.

How to be constructed.

SECTION 5. That said company shall have power to construct and build a railroad with one or more track or tracks, not to exceed thirty miles in length, from the eastern shore of said Treaty island across the said island and said bridge to the Pennsylvania shore, and thence, by a feasible route, to a connection with the Philadelphia and Trenton railroad and the Connecting railway.

Power to construct railroad.

SECTION 6. That said company shall have power to make all such contracts, agreements and arrangements as will secure the construction of said bridge and railroad; to fix and receive, from time to time, the rates for the use of said bridge and railroad; to make arrangements with railroad companies for the use thereof, and also to lease the property of the company to any one or more railroad companies connecting with said bridge and railroad, or merge the said company with the Treaty Island Bridge, Railroad and Ferry Company, chartered by the state of New Jersey as aforesaid, upon such terms as may be approved by the stockholders.

Contracts, agreements, rates, &amp;c.

SECTION 7. That said company shall have the power to enter upon any lands and waters for the purpose of surveying and locating said bridge and railroad, and the approaches thereto, and to take possession of and occupy the lands and shore necessary or expedient for the purposes of the incorporation, making compensation, or tendering adequate security therefor, in the manner provided by law.

May enter upon lands and waters.

Occupy lands and shore.

APPROVED—The 18th day of December, A. D. 1873.

J. F. HARTRANFT.

No. 350.

### AN ACT

To extend the charter of the Nescopec Coal Company, in the county of Luzerne.

SECTION 1. *Be it enacted, &c.*, That the charter and the corporation under the name of the Nescopec Coal Company, and all the privileges and immunities granted to the said corporation, be and they are hereby extended until altered, repealed, annulled or revoked by the legislature.

APPROVED—The 24th day of December, A. D. 1873.

J. F. HARTRANFT.

No. 351.

## AN ACT.

To authorize the supervisors of Cumberland township, in the county of Adams, to levy a special tax to pay the costs in the case of the commonwealth against George Fissel and James Rider.

Supervisors to pay  
costs.

SECTION 1. *Be it enacted, &c.,* That the supervisors of the township of Cumberland, in the county of Adams, are hereby authorized and directed to pay to James Rider, the costs paid by him in the case of the commonwealth against George Fissel and James Rider, tried at the January sessions, one thousand eight hundred and seventy-three, of Adams county, amounting to two hundred and thirteen dollars and eight cents, and to levy and assess a tax sufficient for that purpose.

Authorized to levy  
special tax.

SECTION 2. That in order to enable said township to comply with the provisions of the first section, the supervisors of said township are hereby authorized and empowered to levy and collect a special tax sufficient to realize money to make said payment,

APPROVED—The 23d day of December, A. D. 1873.

J. F. HARTRANFT.

No. 352.

## AN ACT

To reduce the width of Juniata avenue, in the Twenty-eighth ward of the city of Philadelphia.

WHEREAS, The said Juniata avenue, by an act of assembly, approved the fourth day of April, one thousand eight hundred and sixty-five, entitled "An Act vacating a part of Nicetown lane and reducing the width of Juniata avenue, in the Twenty-fifth ward of the city of Philadelphia," was reduced from the width of one hundred and twenty feet to the width of sixty feet, on the part of the said avenue extending from the old York road to Germantown avenue; therefore,

SECTION 1. *Be it enacted, &c.,* That Juniata avenue, as the same is now laid down on the plan of the city of Philadelphia, extending from Germantown avenue to Twenty-third street, in the Twenty-eighth ward of said city, be reduced from the width of one hundred and twenty feet to the width of sixty feet; and that thirty feet of the space of sixty feet so taken from said avenue as now laid out, be vested in fee in the owner or owners of the real estate fronting on the northern line of said avenue as now laid out; and that thirty feet of said space of sixty feet so taken from said avenue as now laid out, be vested in fee in the owner or owners of the real estate fronting on the southern line of said avenue as now laid out.

APPROVED—The 23d day of December, A. D. 1873.

J. F. HARTRANFT.

## No. 353.

## AN ACT

Giving the court of quarter sessions of Luzerne county power to appoint certain officers in said county.

SECTION 1. *Be it enacted, &c.*, That immediately after the passage of this act and every three years thereafter, the court of quarter sessions in and for the county of Luzerne, shall appoint two persons to act as path-masters in Plains township, in said county of Luzerne; the persons so appointed, shall immediately enter upon the duties of repairing and keeping in order all the highways in the district pertaining to their appointment; the compensation of the said path-masters shall be three dollars and fifty cents per diem each, for every day they are employed upon the duties of their appointment.

Court to appoint pathmasters for Plains township.

Compensation.

SECTION 2. That the duties of the said path-masters appointed by the provisions of this act, shall be the same as the duties of the supervisors of roads under the general laws of this commonwealth regulating the roads of the same: *Provided*, That before entering upon the duties of path-master, each of them shall execute and file in the hands of the clerk of the court of quarter sessions, a bond with good and sufficient security for an amount equal to twice the amount of money likely to pass through their hands; said amount to be fixed by the statute aforesaid, and the bond to be approved by the same.

Duties of path-masters.

To give security.

SECTION 3. That at the February term each year, the court of quarter sessions for said county, shall appoint three respectable men, citizens and voters in said district, to audit the accounts of the path-master for the preceding year; the said auditors shall meet at some convenient place in said district, (notice of which shall be given by advertisement, at least two weeks before the meeting, in two or more newspapers published at Wilkes Barre, in said county,) on the first Monday of March, each and every year; the path-masters to have their accounts in readiness for audit and present them to the said auditors at the time for settlement.

Accounts to be audited.

SECTION 4. That all acts and parts of acts relating to the roads in the above district, in conflict with the provisions of this act, be and the same are hereby repealed.

Repeal.

APPROVED—The 23d day of December, A. D. 1873.

J. F. HARTRANFT.

## No. 354.

## AN ACT

To incorporate the Wylie Avenue Savings Bank of Pittsburg, Pennsylvania.

SECTION 1. *Be it enacted, &c.*, That E. P. Jones, George C. Davis, Henry Lloyd, J. D. Strous, A. G. M'Candless,

Corporators.

Name.	Andrew Burns, Barclay Preston, Charles Jeremy, David Stein, Charles W. Hubbard, J. H. Miller, and their associates, now engaged in the banking business in the city of Pittsburgh, under the name and style of the Wylie Avenue Savings Bank, and their successors, shall be and they are hereby created a body politic and coporate by the name and style of the Wylie Avenue Savings Bank of Pittsburgh, to be located in the city of Pittsburgh, and by this name shall be incorporated for the period of twenty (20) years: nine of the above named persons shall constitute a board of trustees of this bank, who shall be chosen at their first meeting from their number, and they shall elect a president from their own body who may receive a salary for his services; the trustees may appoint a treasurer and secretary, or treasurer only, with such other officers and clerks as they may deem necessary, and fill any vacancies which may occur in their own body until the election subsequent to such vacancy: <i>Provided</i> , That all trustees shall be stockholders.
Institution.	
Trustees.	
President, treasurer, &c.	
Election.	who may be re-elected. The first election for trustees shall take place on the second Tuesday of January, Anno Domini one thousand eight hundred and seventy-four, and elections shall take place on the second Tuesday of January every year thereafter, in the manner hereinafter provided; the number of the trustees shall be nine.
Subordinate officers and agents to give security.	SECTION 2. That the subordinate officers and agents of the said corporation shall respectively give such security for their fidelity and good conduct as the board of trustees may from time to time require, and the said board shall fix the salaries of such officers and agents.
Salaries.	
Organization.	SECTION 3. That whenever twenty-five per cent. of the capital stock shall have been paid in, any three of the trustees may call the others together to organize the bank: <i>Provided</i> , The whole capital stock shall be paid within one year from the date of said organization; said corporation may have a common seal, which may be changed at pleasure, and all deeds, grants and agreements made by authority and direction of the trustees shall be good and valid; and the said corporation shall at all times have power to sue and be sued, to plead and be impleaded and defend by the name aforesaid.
Payment of capital stock.	
Powers and privileges.	SECTION 4. That the board of trustees shall have power to make by-laws for the management of the corporation: <i>Provided</i> , The same are not repugnant to the constitution of the United States or the state of Pennsylvania; that it shall be lawful for said corporation to purchase and hold real estate, such as may be requisite for its immediate accommodation for the convenient transaction of its business and to secure its investments, and all such real estate may be sold and conveyed by said corporation at any time it may deem expedient after the same shall be vested in it by purchase or otherwise.
By-laws.	
What real estate may be held.	
Deposits.	SECTION 5. That said bank may receive money on deposit, for which interest may be paid in accordance with the by-laws of said corporation; and to secure the depositors from loss, the money so deposited shall be loaned at legal rates on the following securities, namely: on real estate within this
Loans.	

commonwealth, negotiable paper, and other good and sufficient securities: *Provided*, That loans on real estate shall not exceed, in the judgment of the trustees, more than two-thirds of the cash value of said real estate: *And provided further*, That said loans shall be secured by bond and mortgage on liens on said real estate or other good and sufficient securities, but this shall not be construed to prevent the trustees from purchasing liens or other securities on any real estate held by others, at such rates or terms as may be agreed on; the funds of the bank may also be vested in bonds or securities of the state of Pennsylvania or of the United States, and other good notes and valid securities, at the legal rate of interest: *Provided*, The same may be deposited for safe-keeping with a bank or bankers until the same are invested or paid to depositors.

Investments.

SECTION 6. That the capital stock of said corporation or bank shall be two hundred thousand dollars, (\$200,000,) with power to increase the same to five hundred thousand dollars, (\$500,000,) so that the entire capital of said bank shall consist of two thousand shares of one hundred dollars each; the stockholders of this bank are defined to be all persons who shall own one or more shares in said bank; every stockholder as aforesaid shall be entitled to a vote for each share of stock at an election or at any meeting convened for business; absent stockholders may be represented by proxy.

Capital stock.

Stockholders defined.

Votes.

SECTION 7. That the board of trustees of said Wylie Avenue Savings Bank may, from time to time, as in their judgment may seem fit, declare and divide dividends out of the net profits of said bank over and above all expenses, and pay the same to the stockholders: *Provided*, That no dividend shall be so declared in any wise to impair the capital of two hundred thousand dollars, which is to remain intact during the continuance of this charter as a security to depositors: *Provided further*, That no stockholder shall be authorized to transfer or assign his or her stock without the consent first being had of the board of trustees of said bank; the purchaser, assignee or transferee of any stock sold, assigned or transferred as aforesaid, to be subrogated in all the rights and privileges, and subject to all the liabilities of the original holder thereof.

Dividends.

Transfers of stock.

SECTION 8. That the said board of trustees shall have full power, at their discretion, to pay, on application, the check, proper receipt or order of any minor or married woman, such money or any part thereof as he or she may have deposited to his or her credit, or any interest or dividend accruing thereon, without the assent or approbation of the parent or guardian of such minor or the husband of such married woman; the creditors of the husband of such married woman, shall not have the right to attach or in any manner interfere with any deposit, interest or dividend due thereon to such minor or married woman.

Payments to minors and married women.

SECTION 9. That the trustees of this bank shall cause a statement of its condition to be published during the month of January, Anno Domini one thousand eight hundred and seventy-five, and annually thereafter, in at least two news-

Annual statement

Meeting for election of trustees.

papers printed in the city of Pittsburg; and notice of any regular meeting of stockholders for election of trustees, shall be published in one or more newspapers in said city, for at least two weeks previous to such meeting, and the time and place and manner of conducting said election shall be prescribed by the by-laws of said bank.

Prohibition.

SECTION 10. That nothing herein contained shall authorize the said bank to become a bank of issue.

Individual liability.

SECTION 11. That the stockholders shall be held individually liable for all contracts, debts and engagements of said bank, to an amount double in amount to the stock held by them.

Directors may change name.

SECTION 12. That a majority of the directors of said corporation shall have power to change its name whenever they may deem it proper.

APPROVED—The 3d day of January, A. D. 1874.

J. F. HARTRANFT.

No. 355.

### AN ACT

To incorporate the Patent Metal Company, located at Philadelphia, Pennsylvania.

Corporators.

SECTION 1. *Be it enacted, &c.,* That Matthew M. Selfridge and John B. Stryker, of the city and county of Philadelphia, state of Pennsylvania, Samuel H. Gilbert and John D. Gruneberg, of Spring Mills, county of Camden, state of New Jersey, and John L. Phillips, of Paoli post office, county of Chester, state of Pennsylvania, and their associates, or a majority of them, and such other persons as may become holders of the stock of said company, are hereby created a body politic in law, by the name, style and title of the Patent Metal Company, and as such shall have all the powers, privileges, franchises and immunities of a corporation.

Title.

Capital stock.

SECTION 2. That the capital stock of said company shall consist of eight thousand shares, of the par value of fifty dollars (\$50) per share; and the president and directors shall have power, from time to time, to increase the capital stock of the said company to ten thousand shares of its par value of fifty dollars per share.

Officers.

SECTION 3. The officers of the said company shall consist of a president, vice president, secretary, treasurer and five directors, who shall be elected annually and in such manner as the by-laws of the company shall require, and they shall hold office until their successors are duly elected.

Powers.

SECTION 4. The said company shall have power to manufacture lead, zinc, tin or other hard metals, and any compound or alloy thereof, in accordance with letters patent of the United States, granted as follows: Number fifty-one thousand seven hundred and fourteen, John D. Gruneberg, improvement in the manufacture of plated metal, December twenty-six, one thousand eight hundred and sixty-five; num.

ber seventy-one thousand four hundred and seventy-nine, John D. Gruneberg, improved alloy for making plates and sheets, November twenty-six, one thousand eight hundred and sixty-seven; number seventy-five thousand eight hundred and ninety-eight, John D. Gruneberg and Samuel H. Gilbert, improvement in coating metals, March twenty-four, one thousand eight hundred and sixty-eight, and such other letters patent for similar classes of inventions that are or may hereafter be granted, and to vend, sell and dispose of the various articles of prepared metal so manufactured; and for this purpose the said company shall have power to acquire, from time to time, by purchase, lease or otherwise, such lands as they may deem expedient, for the purpose of factories, mills, shops, warehouses and stores, and may lease, mortgage or otherwise dispose of the same, and may construct the necessary buildings and fixtures for the business of the said company, and shall have the right to establish branch factories, mills, shops, warehouses, stores and agencies, at such times and places as they may deem proper or expedient for their business.

SECTION 5. The stockholders shall have the power to adopt such by-laws as may be necessary for the management of the affairs of the company, and the same to amend, alter and repeal by a majority of votes at any general or special meeting of the stockholders; and this company shall pay into the treasury of the commonwealth, a bonus of one-fourth of one per centum on the capital stock hereby authorized or hereafter created, in four equal annual instalments, and such taxes on dividends as is or may be provided for by law.

APPROVED—The 3d day of January, A. D. 1874.

J. F. HARTRANFT.

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No. 356.

### AN ACT

Authorizing the opening, grading, paving and curbing of Forbes street, from Brady street to Gist street, in the city of Pittsburg.

SECTION 1. *Be it enacted, &c.*, That the councils of the city of Pittsburg are hereby authorized to cause to be opened, graded, paved and curbed, Forbes street, from Brady street to Gist street, in said city, in accordance with and subject to the provisions of the several acts of assembly relating to the opening, grading, paving and curbing of streets and avenues in said city: *Provided however*, That so much of the eleventh section of an act, approved April first, one thousand eight hundred and sixty eight, entitled "An Act supplementary to an act incorporating the city of Pittsburg," and of the twenty-sixth section of an act, entitled "An Act to provide for the improvement of Penn avenue and other avenues and streets in the city of Pittsburg," approved second April, one thousand eight hundred and seventy, as prevents the councils of said city from ordering the opening, grading, paving and



curbing of any street or avenue in said city without the written consent of a majority in interest of owners of property situated or abutting thereon, shall not be applicable to Forbes street aforesaid.

APPROVED—the 5th day of January, A. D. 1874.

J. F. HARTRANFT.

No. 357.

### AN ACT

Legalizing the election of commissioners for grading and paving Carson, Main and Chestnut streets, in the city of Pittsburg.

WHEREAS, James I. Bennett, Park Painter and B. C. Sawyer have been elected commissioners, under Penn avenue act, for the grading and paving of Carson, Main and Chestnut streets, in the city of Pittsburg, and are not citizens of said city as required by section — in said act, but are holders of property on said streets, and largely interested in the same; therefore,

SECTION 1. *Be it enacted, &c.,* That James I. Bennett, Park Painter and B. C. Sawyer are and shall be, from and after the passage of this act, qualified and enabled to serve as commissioners for the grading and paving of Carson, Main and Chestnut streets, in the city of Pittsburg, Allegheny county.

SECTION 2. All laws inconsistent with the provisions of this act are hereby repealed.

APPROVED—The 5th day of January, A. D. 1874.

J. F. HARTRANFT.

No. 358.

### AN ACT

Authorizing the Fairmount Park commissioners to exclude parts or the whole of any property within the boundaries of said park not yet paid for.

SECTION 1. *Be it enacted, &c.,* That, from and after the passage of this act, the Fairmount Park commissioners shall have the power to exclude parts or the whole of any property within the boundaries of said park, not yet paid for, which they may think likely to cost the city of Philadelphia more than its advantage to the public as part of the park: *Provided,* This act shall not invalidate any existing legal rights.

APPROVED—The 6th day of January, A. D. 1874.

J. F. HARTRANFT.

No. 359.

## AN ACT

To re-organize the local government of the city of Pittsburg, extending its boundaries, enlarging its corporate powers and perfecting its municipal organization, &c.

## ARTICLE I.

## THE CORPORATE POWERS.

SECTION 1. *Be it enacted, &c.,* That the boundaries of the city of Pittsburg shall hereafter be as mentioned, designated and intended in the first section of an act, entitled "A further supplement to the acts incorporating the city of Pittsburg, extending its boundaries, enlarging its corporate powers and perfecting its municipal organization, &c.," approved April sixth, Anno Domini one thousand eight hundred and sixty-seven, together with such other territory as may have been added to said city under existing laws. The corporation hereby extended and created shall be known by the name of the city of Pittsburg, and shall continue to be a body corporate in fact and in name, and shall have perpetual succession, with all the grants, powers and privileges heretofore held by the city of Pittsburg and not modified or repealed by the provisions hereinafter made by this act.

SECTION 2. That the sheriff of Allegheny county, in his annual proclamation prior to the next October election, be required to give notice that each qualified elector, residing in the several election districts within the boundaries described in the first section of this act lying north of the Allegheny river, is required to vote a ticket marked on the outside "consolidation," and on the inside "for consolidation" or "against consolidation," which said ballots shall be counted, certified and returned in the usual manner that returns for county officers are made: *Provided*, That such election shall be held in the same manner and subject to all the rules and regulations now prescribed by law for county and state elections: *Provided further*, That in case a majority of the qualified electors of the said districts lying north of Allegheny river shall, at the said October election, decide against consolidation, then a new election shall be held every three years thereafter, at the election for state and county officers, for the period of fifteen years; if, at some one of said elections in the meantime, a majority of the qualified electors of said districts lying north of the Allegheny river have not voted in favor of consolidation, in which event said elections every three years during said period of fifteen years shall cease: *Provided*, That whenever only a portion of any township included within the boundaries of the contemplated city, then only the electors residing in that portion so included shall be permitted to vote for or against consolidation.

SECTION 3. That the corporation created, extended and enlarged by this act, shall not have jurisdiction and authority over the territory mentioned and designated in the first sec-

Boundaries.

Name.

Powers and privileges

Of election for and against consolidation.

When to have jurisdiction over territory designated in first section.

tion hereof, until the first of January, one thousand eight hundred and seventy-five. The several cities, boroughs and districts within said territory, shall proceed to close up their affairs and business previous to said first day of January. one thousand eight hundred and seventy-five, at which time all the powers and authority severally vested in them as now organized shall cease and determine, except under the laws relating to the city of Pittsburg not hereby repealed.

## ARTICLE II.

### THE LEGISLATIVE POWER.

of the select and  
common councils.

**SECTION 1.** The legislative power of the said corporation shall be vested as heretofore in two branches, which shall be known as select and common council respectively; the select council shall consist of one member from each ward of the city, to be elected as hereinafter provided; the common council shall consist of at least one member from each ward of the city, to be elected annually, and apportioned in the manner hereinafter provided.

of the apportion-  
ment of common  
councilmen.

**SECTION 2.** That in the year one thousand eight hundred and seventy-four, in every third thereafter, the members of common council shall be apportioned in the following manner: It shall be the duty of the assessor of each ward, on or before the first day of July, one thousand eight hundred and seventy-four, and every third year thereafter, to return, under oath, a true and exact list of the resident taxables therein to the city clerk, and at the first regular meeting after said returns have been made, a joint committee of five, two from the select and three from the common council, shall be appointed, who shall examine said returns and divide the aggregate number of taxables by fifty, (50) and the quotient shall be the ratio of representation in common council amongst the various wards according to the number of taxables: *Provided however*, That each ward shall have at least one member of the common council; if any ward shall have an excess of three fifths more than the ratio of representation, it shall be entitled to an additional member; when the report of said committee shall be approved by councils, the apportionment shall remain unchanged until the next triennial apportionment has been made as herein provided.

of the election and  
classification of  
select councilmen.

**SECTION 3.** On the first Tuesday of December, one thousand eight hundred and seventy-four, the qualified voters of each ward shall elect one select councilman who shall be a qualified voter of the ward; and the members of select council shall, as soon as conveniently may be after their organization hereinafter provided for, proceed by lot to divide themselves into three classes, the first class shall serve for one year, the second class for two years, and the third class for three years. On the first Tuesday of December, in the year one thousand eight hundred and seventy-five, and every third year thereafter, the qualified voters in each ward whose representative in select council belongs to the first class, shall elect a representative for said ward for the term of three years; and in the year one thousand eight hundred and

seventy-six, and every thee (3) years thereafter, the qualified voters in each ward whose representative in select council belongs to the second class, shall elect a representative for three years, and in the year one thousand eight hundred and seventy-seven, and every three years thereafter, the qualified voters of each ward whose representative belongs to the third class, shall elect a representative for three years. On the first Tuesday of December, one thousand eight hundred and seventy-four, and at the same time in each succeeding year, the qualified voters of each ward shall elect the number of common councilmen to which the ward may be entitled under the apportionment hereinbefore provided for; but no person shall be eligible to election to either branch of council who is not at the time of said election a qualified voter in the ward by which he is elected; and should any member of either branch of council remove from the ward of which he is a representative, his seat shall be declared vacant and a new election forthwith ordered to fill the vacancy.

SECTION 4. The following regulations shall apply to the aforesaid elections for councilmen and to returns of the same:

*Regulations to apply to elections for councilmen.*

*First.* The said election shall be held and conducted by the proper election officers of the several election districts of the city, and shall be governed and regulated in all respects by the general election laws of the commonwealth, so far as the same shall be applicable thereto and not inconsistent with this act.

*Second.* The tickets to be voted by each elector may be either written or printed, or partly written and partly printed. One ticket shall embrace the names of all candidates for the city councils voted for, and be labelled "councils."

*Third.* The return of votes shall be made and counted in the same manner as heretofore provided for city elections in the city of Pittsburg, except that the returns shall be transmitted to the mayor of the city of Pittsburg at the first election, and at subsequent elections, to the city clerk.

Each council shall be the judge of the election returns and qualifications of its members.

SECTION 5. It shall be the duty of the persons elected to the select council, as aforesaid, to assemble in the room occupied by the select council of the city of Pittsburg, on the first Tuesday of January, one thousand eight hundred and seventy five, at ten o'clock in the forenoon, with general powers of adjournment as to time; and it shall be the duty of the mayor of Pittsburg to call the same to order at the time of its assembling, and to submit all the returns of election in his possession, and thereupon the said select council shall proceed to organize by electing one of their number as president, and after the members are sworn in, such other officers as may be needed in the transaction of business.

*Of the organization of the select council.*

SECTION 6. A majority of the select council shall be a quorum; said select council shall

*Quorum, powers, &c., of select council.*

*First.* Choose a president from its own members by a majority of the members elected.

*Second.* Appoint a clerk and other officers: *Provided,* That the person elected clerk shall be called city clerk, who

mentioned in the first section of this act, of the elections to be held, and the offices and number of persons to be voted for under and by virtue of the provisions thereof. At all subsequent elections, the mayor of the city shall issue his proclamation in such form as may be prescribed by ordinance or other law of the city.

### ARTICLE III.

#### THE EXECUTIVE POWER.

Executive power  
vested in mayor  
and departments.

**SECTION 1.** The executive power of the corporation shall be vested in the mayor and the departments herein created.

Of the election,  
&c., of mayor.

**SECTION 2.** The mayor shall be the chief executive officer of the corporation. He shall be elected triennially at the election hereinbefore provided for to be held on the second Tuesday of October, and shall hold his office for a term commencing on the first day of January next after his election, and ending on the first Monday of January three years thereafter. The first election for mayor shall be at the election hereinbefore directed to be held on the second Tuesday of October, in the year eighteen hundred and seventy-four. (1874.)

His temporary ab-  
sence or disability.

**SECTION 3.** Whenever the mayor shall from any cause whatever be temporarily prevented from attending to the duties of his office, the president of the select council, and in case of his inability, the president of the common council, shall act as mayor, and possess all the rights and powers of mayor. But it shall not be lawful for either of the presidents of the councils when so acting as mayor, to exercise any of the powers of appointment to or removal from office vested in the mayor by this act.

Vacancy in office  
of.

**SECTION 4.** Whenever a vacancy in the office of mayor shall take place by reason of death, resignation or otherwise, before two years of the term has expired, the councils shall forthwith order a new election for the office of mayor on a day to be by said councils fixed. The person elected to said office, shall hold the same for the unexpired term of his predecessor. Until such vacancy is filled, the president of select council shall act as mayor, and shall hold office for the intervening term; and the councils shall have power to elect a mayor to hold for the unexpired term, when the vacancy in the office of mayor takes place after two years of the term have expired.

His duties.

**SECTION 5.** It shall be the duty of the mayor,

*First.* To communicate to the council, as often as he shall be required by either branch, and in any event at least once in six months, a general statement of the finances, government and improvements of the city.

*Second.* To recommend by message in writing to the councils, all such measures connected with the security, health, cleanliness and ornament of the city, and the protection and improvement of its government and finances as he shall deem expedient.

*Third.* To be vigilant and active in causing ordinances of the city and the laws of the state to be executed and en-

forced, and for that purpose he may call together, for consultation and co-operation, any commissioners or other city officers.

*Fourth.* To call special meetings of the councils when he shall deem it expedient so to do.

*Fifth.* To perform all such duties as may be prescribed for him by city ordinances and laws of the state; and the mayor shall be responsible for the good order and efficient government of the city.

SECTION 6. The mayor may appoint and remove such commissioners of departments and other officers of departments as are hereinafter provided to be appointed by him. May make appointments and removals.

SECTION 7. The mayor shall receive an annual salary of six thousand dollars. He shall employ such clerks and experts as may be necessary for the discharge of his duties, subject to the approval of councils, and shall render to the councils every three months an account of the expenses of his office, and therein shall state in detail the amounts paid and agreed to be paid by him for salaries to such clerks and experts respectively. His salary.  
To employ clerks and experts.  
To render accounts to councils.

SECTION 8. The mayor may be removed from office for cause by a vote of three-fourths of all the members elected to the councils. May be removed from office.

SECTION 9. To relieve the mayor of the duties now devolving upon him as a criminal and committing magistrate, the said councils shall have power, by ordinance, to divide said city into police districts, not less than four nor more than ten in number; and at the first regular annual municipal election thereafter, the qualified voters of each district so formed shall vote for one person to act as a police justice for said district, who shall reside and exercise the duties of his office within the district in which he was elected, said election to be conducted in accordance with the laws controlling the election of the mayor of said city; said police justices shall be subject to removal for cause by a two-thirds vote of said councils; and if any district so framed by council shall have no police justice by reason of removal, resignation or otherwise, councils may, by a majority vote of both branches, fill such vacancy until the next annual election for councilmen, when the qualified voters of said district shall elect, as aforesaid, one person to fill the unexpired term of the person removed or whose position, by any other cause, has become vacant; said police justices when thus elected shall have and exercise all the powers and jurisdiction which are now by law vested in the mayor of the city of Pittsburg as a criminal and committing magistrate, and in the civil and penal actions for the recovery of fines, penalties and forfeitures under the laws of this commonwealth and the ordinances of the said city of Pittsburg; said police justices shall hold their offices for a term to be fixed by councils, not exceeding five years, and councils shall provide a fixed annual salary which shall neither be increased or diminished during their term of office. The police justices shall charge and collect, for the use of the city, the fees now allowed by law to the mayor of the city, a record of which shall be kept in his Of police justices.

Office of deputy  
mayor abolished.

Of elections and  
appointments by  
councils.

Record of joint  
sessions.

office, and the same shall be paid monthly into the treasury of said city and report made monthly of the amount to the city controller. The office of deputy mayor is hereby abolished.

SECTION 10. All elections or appointments to office by councils, except as otherwise herein provided, shall be in joint session, and either *viva voce* or by ballot, as councils shall by ordinance prescribe. The record of all joint sessions shall be entered on the journal of select council.

## ARTICLE IV.

### THE EXECUTIVE DEPARTMENT.

Departments.

SECTION 1. There shall be the following other departments in said city:

Department of public works.  
Department of public parks.  
Department of public safety.  
Department of finance.  
Sinking fund commission.  
Department of law.  
Department of public instruction.

Record of trans-  
actions to be kept,  
&c.

SECTION 2. In every department there shall be kept a record of all transactions, to be accessible to the public from three to five o'clock each day, and at the end of each day a brief abstract, omitting formal language, shall be made of all transactions, and of all contracts awarded and entered into for work and material of every description, a copy of which abstract shall be transmitted to the city clerk for insertion in the newspapers which do the public printing.

Reports to mayor  
and councils.

SECTION 3. The said departments shall, when called upon by the mayor or councils, make to him or them, respectively, reports of their transactions, and furnish to him or them such information as he or they may demand, within such time as he or they may direct. Except in the department of finance, the commissioners or chief officers of departments shall appoint heads of bureaus, and shall appoint all subordinate officers and clerks upon the nomination to them by the heads of bureaus, except as hereinafter otherwise provided except in the department of finance, the commissioners or chief officers of departments may remove heads of bureaus at pleasure, and heads of bureaus may suspend subordinate officers and clerks, and remove them with the consent of the commissioners or chief officers of departments.

Of the appoint-  
ment and removal  
of heads of bureaus,  
&c.

## ARTICLE V.

### THE DEPARTMENT OF PUBLIC WORKS.

Department of  
public works to be  
under charge of  
commissioners.

SECTION 1. The department of public works shall be under the charge of five commissioners, who shall be a board to be called the "commissioners of public works," and who shall the chief officers of this department. One of said five commissioners shall be appointed by the mayor between the first and fifteenth days of January in every third year. The remaining four commissioners shall be elected by the councils within the same period. At such election each councilman shall

How appointed and  
elected.

give not more than four open ballots, upon each of which shall be printed or written the name of one candidate for the office of commissioner, and each of which shall be signed by the member voting. The clerk of select council shall record said votes, stating the name of the councilmen voting, and the names of the persons voted for. The four persons having the largest number of votes shall be deemed elected. The commissioners so appointed and elected, respectively, shall hold office from the next day succeeding their election until their successors are duly elected or appointed, unless removed as hereinafter provided. Terms of office.

**SECTION 2.** The mayor may at any time remove the commissioner appointed by him and appoint another in his place at his pleasure, and may remove any other commissioner for cause, assigning his reasons to the councils, and if such removal is approved by a two-thirds vote in each branch, councils shall proceed to elect another commissioner in the place of the one so removed, and the councils may, at any time, remove one or more of the four commissioners by them elected, and elect four commissioners in the manner provided in the last preceding section. Of the removal of commissioner, and election of others.

**SECTION 3.** The said department shall have all the powers and functions conferred upon it by this act, subject to the control of the councils. Powers and functions of department.

**SECTION 4.** The said department shall have charge and control:

*First.* Of all structures and property connected with the supply and distribution of water.

*Second.* Of regulating, grading, flagging, curbing, guttering and lighting streets, roads, places and avenues.

*Third.* Of the repairing and construction of public roads and streets, including streets constructed under Penn avenue act.

*Fourth.* Of the care of public buildings.

*Fifth.* Of the filling up of sunken lots.

*Sixth.* Of public sewers and drainage.

*Seventh.* Of street vaults.

*Eighth.* Of paving, re-paving, repairing and cleaning streets and keeping the same clear.

*Ninth.* Of digging and constructing wells.

**SECTION 5.** There shall be the following bureaus in this department: Of the bureaus in the department.

*First.* A bureau having care of all structures and property connected with the supply and distribution of water, the chief officer of which shall be called "chief engineer of the water works;" said chief engineer shall be a civil engineer of at least five years experience, and shall be appointed for the period of three years; he shall be subject to removal by the "commissioners of public works" for cause, to be stated on the minutes, and only after an opportunity shall have been afforded to him to be heard in relation to said cause; he shall have power to appoint and remove at pleasure such assistant engineers as may be provided by the laws and ordinances of said city. This bureau shall also have charge of the laying



of water pipes and the construction and repair of sewers, wells and hydrants.

*Second.* A bureau for grading, flagging, curbing and guttering, paving and re-paving and repairing streets, wharves and roads, and keeping the same clean and swept, and also the lighting of the same by lamps and gas, the chief officer of which shall be called the "superintendent of streets and roads."

*Third.* A bureau of repairs which shall have charge of all repairs to public buildings and all other necessary repairs not provided for in other departments, the chief officer of which shall be called "building inspector," and shall be a practical builder, and who shall perform all the duties now required by law of the building inspector of the city of Pittsburg.

*Fourth.* A bureau of engineering, the chief officer of which shall be a civil engineer of at least five years experience, who shall be called "the city engineer;" he shall perform all the duties now required by law of the city engineer of the city of Pittsburg. He shall have the same powers in his bureau that are given hereinbefore to the chief engineer of the water works, and shall hold his office on the same terms and be subject to removal in like manner.

Chairman of board  
of commissioners

SECTION 6. The commissioners of public works shall elect the chairman of the board who shall be entitled to a seat in each branch of councils, and shall have the right to be heard in said councils on all matters affecting or relating to said department and its affairs, but shall not have the right to vote.

Prohibitions and  
restrictions.

SECTION 7. The said department shall have no power to incur indebtedness nor to raise or expend money, except such as shall have been previously appropriated by the councils.

## ARTICLE VI.

### THE DEPARTMENT OF PUBLIC PARKS.

Department of  
public parks to be  
under charge of  
commissioners.

SECTION 1. The department of public parks shall be under the charge of five commissioners who shall be a board to be called "the commissioners of public parks;" they shall be appointed and elected, respectively, in the manner hereinbefore provided and prescribed for the appointment and election of commissioners of public works, and be subject to removal in like manner; all provisions of sections one and two of article five of this act, shall be applicable to the commissioners of public parks.

How appointed and  
elected.

Certain provisions  
applicable to.

Rights, powers and  
privileges of de-  
partment.

SECTION 2. The department of public parks shall exclusively control, manage and direct the improvement of all public parks and all buildings therein, and public places which are or may become of the realty of the city of Pittsburg; the said department shall have and enjoy all other rights, powers and privileges heretofore granted to and now possessed by the park commissioners of the city of Allegheny, and also all other powers contained in laws relating to parks in the city of Pittsburg, and such as relate to the streets and roads of public parks and places, excepting, however, the power of incurring indebtedness and raising and expending money; the said department shall exercise said

rights, powers and privileges, subject to such regulations and restrictions as may be made in relation thereto by the councils.

SECTION 3. The commissioners of public parks shall elect the chairman of the board who shall be entitled to a seat in each branch of councils, and shall have the right to be heard in said councils on all matters affecting or relating to said department and its affairs but shall not have the right to vote.

Chairman of board of commissioners.

## ARTICLE VIII.

### THE DEPARTMENT OF PUBLIC SAFETY.

SECTION 1. The department of public safety shall be under the charge of seven persons; said board shall consist of the mayor and six commissioners to be called "commissioners of public safety," which commissioners shall be elected by the councils in the manner hereinafter provided.

Board of public safety to consist of seven persons.

SECTION 2. Between the first and fifteenth days of January, in the year one thousand eight hundred and seventy-five, six persons shall be elected by the councils as such commissioners; at such election, each councilman shall give not more than six open ballots, upon each of which shall be printed or written the name of one candidate for the office of such commissioner, and each of which shall be signed by the councilman voting, and shall be recorded by the clerk of the board; the six persons having the largest number of votes shall be deemed elected.

Of the election of commissioners of board.

SECTION 3. The six persons so elected shall, within five days after their election, meet at the office of the mayor, and shall, in his presence, by such methods as he shall approve, divide themselves by lot into three classes of two each, one of which classes shall hold office for one year from the fifteenth day of January, one thousand eight hundred and seventy-five, and one of said classes for two years from said date, and the other, three years from said date.

Of the classification of persons elected.

SECTION 4. Between the first and fifteenth days of January, in each year from and after one thousand eight hundred and seventy-five, the councils shall elect two commissioners in the place of those whose terms shall expire on the fifteenth day of January in such year, in the manner hereinbefore provided for the election of six commissioners in one thousand eight hundred and seventy-five, so far as applicable; the commissioners so to be elected after one thousand eight hundred and seventy-five, shall hold office for three years from the fifteenth day of January of the year in which they shall be elected.

Two commissioners to be elected annually.

SECTION 5. The councils may, at any time, remove any or all of said commissioners by a vote of two-thirds of the whole number of councilmen present at the time of such removal, for cause to be assigned in the resolution of removal.

Terms of office.

Of the removal of commissioners.

SECTION 6. Vacancies occurring in the office of commissioners by removal, resignation, death or otherwise, shall be filled by the mayor and remaining commissioners by appointment subject to the approval of councils; the persons so appointed shall hold office until the expiration of the terms of the persons in whose stead they were appointed, respectively.

Of vacancies in offices of commissioners.

powers of the department.

**SECTION 7.** The department of public safety shall have and exercise all the powers now conferred upon and vested in the police department, the fire department, the board of health and guardians of the poor of the city of Pittsburg, and such other powers as are conferred upon them by this act, and as may be from time to time conferred upon them by the councils of said city, not inconsistent with the laws of this state: *Provided*, That said department of public safety shall not have power to incur indebtedness nor to raise nor expend money, unless the same shall have been appropriated by the councils.

of the bureaus in the department.

**SECTION 8.** There shall be five bureaus in this department, to wit:

*First.* A bureau of police, the chief officer of which shall be called "the superintendent of police."

*Second.* A fire bureau, the chief officer of which shall be called "the chief engineer of the fire bureau," who shall also be the inspector of fire apparatus.

*Third.* A bureau of health, the chief officer of which shall be called "the sanitary superintendent."

*Fourth.* A bureau of public charities, the chief officer of which shall be called "the superintendent of poor."

*Fifth.* There shall also be an officer in this department who shall be called "boiler inspector," and one who shall be called "oil inspector," whose duties shall be prescribed by the councils.

of the transfer of persons connected with police departments.

**SECTION 9.** Every person who shall be connected with the police departments of the cities of Pittsburg and Allegheny, on the fifteenth day of January, one thousand eight hundred and seventy-five, shall continue in office and be transferred by the operation of this act, to the bureau of police of the department of public safety herein created, and the amount of salary or compensation paid to such persons, shall be the salary and compensation fixed for his transferred office under this act, until altered as herein provided. Every such person shall be subject to removal as hereinbefore provided.

of the transfer of persons connected with the fire departments.

**SECTION 10.** Every person who shall be connected with the fire departments of the cities of Pittsburg and Allegheny on the fifteenth day of January, one thousand eight hundred and seventy-five, (except the fire commissioners,) shall continue in office and be transferred by operation of this act to the fire bureau of the department of public safety herein created; and the amount of salary or compensation paid to such person shall be the salary and compensation fixed for his transferred officer under this act, until altered as herein provided. Every such person shall be subject to removal as hereinbefore provided.

of the unauthorized wearing of the uniform of fire bureau, &c.

**SECTION 11.** It shall be a misdemeanor, punishable with fine and imprisonment in the county jail for a period of not more than sixty days, for a person not employed by the department of safety, in the said fire bureau, to wear the whole or any part of the uniform or insignia prescribed to be worn by the persons employed in said fire bureau by the rules and regulations of said department, or to do any act as firemen not duly authorized by the board hereby created, or to inter

fere with the property or apparatus of the fire bureau, in any manner, unless by authority of the department.

SECTION 12. It shall be the duty of said department to make suitable regulations under which the officers and men of the fire bureau shall be required to wear any appropriate uniform and badge by which, in case of fire and at other times, the authority and relations of such officers and men in said bureau may be known as the exigencies of their duties may require.

Department to make regulations as to uniform and badge for fire bureau.

SECTION 13. Every person who shall be connected with the boards of health of the cities of Pittsburg and Allegheny on the fifteenth day of January, one thousand eight hundred and seventy-five, (except the members of the board of health,) shall continue in office and be transferred by operation of this act to the bureau of health of the department of public safety herein created; and the amount of salary or compensation paid to such person shall be the salary or compensation fixed for his transferred office under this act, until altered as herein provided. Every such person shall be subject to removal as hereinbefore provided.

Of the transfer of persons connected with boards of health.

SECTION 14. The health bureau of the department of public safety may, from time to time, make report to the department of public safety as to the necessity for cleaning the streets; and said department may thereupon transmit such report to the councils, and may exercise such powers in relation thereto as shall be thereupon conferred upon them by councils.

Report by health bureau to department.

SECTION 15. Every person who shall be connected with or employed by the guardians of the poor of the cities of Pittsburg or Allegheny on the fifteenth day of January, one thousand eight hundred and seventy-five, (except the members of the board of guardians of the poor of either city,) shall continue in office and be transferred by operation of law to the bureau of charities herein created; and the amount of salary or compensation paid to such person shall be the salary or compensation fixed for his transferred office under this act, until altered as herein provided. Every such person shall be subject to removal as herein provided.

Of the transfer of persons connected with boards of guardians of the poor.

SECTION 16. It shall be the duty of the sheriff of Allegheny county, whenever called upon for that purpose by the department of public safety, to act under their control for the preservation of the public peace and quiet, and if ordered by them to do so, shall summon the *posse comitatus* for that purpose, and hold and employ such *posse* subject to their direction. In case the department shall deem it necessary, they shall have authority in accordance with the laws now in force or hereafter enacted, to call out such of the military force lawfully organized or existing in the said city, or as they may see fit, to aid them in preventing threatened disorder or opposition to the laws, or in suppressing insurrection, riot or disorder at all times; and it shall be the duty of the said military force to obey such directions as may be given them by the said department. Whenever the exigency or circumstance may, in their judgment, warrant it, the said department shall have the power to assume the control and com-

Provisions relative to preservation of public peace, suppression of riots, &c.

mand of all conservators of the peace of the city of Pittsburg, whether sheriffs, constables, policemen or others, and they shall act under the orders of said department and not otherwise; and in case of the refusal of the said sheriff or policemen, constables, or other peace officer or person to obey any lawful command of the said department under the provisions of this section, they shall, respectively, be liable to the penalties following, that is to say, the sheriff to a penalty of five thousand dollars, any peace officer to a penalty of five hundred dollars, and any private citizen to a penalty of one hundred and fifty dollars; said penalties to be recovered by said department by civil action in the name of the state; and any officer in any military force in the city of Pittsburg, organized or existing under the laws of this state, who being called upon by the said department as aforesaid shall refuse or wilfully fail to call out the force under his command, or to obey the directions of said department, or to enforce by all lawful means the performance of the duties of said force assigned, shall be liable to a penalty of five hundred dollars, and any inferior officer or private of such force who shall refuse or wilfully fail to obey the summons or order of his proper superior in such behalf issued shall be liable to a penalty of one hundred and fifty dollars, such penalties to be recovered as aforesaid.

Rights of chairman  
of commissioners.

SECTION 17. The chairman of the commissioners of public safety shall be entitled to a seat in each branch of councils, and shall have the right to be heard in said councils on all matters affecting or relating to said department and its affairs, but shall not have the right to vote.

## ARTICLE VIII.

### THE DEPARTMENT OF FINANCE.

Finance department  
to be under  
charge of fifteen  
persons.

How appointed.

Duties.

Powers and func-  
tions of depart-  
ment.

SECTION 1. The department of finance shall be under the charge and control of fifteen persons, who shall be members of the councils appointed annually by the president thereof. Seven shall be appointed from select council and eight from common council. The said persons so appointed shall elect their chairman, and when organized shall constitute a board to be called "the department of finance." The presidents of the councils in appointing the members of this department shall, as nearly as may be, give the majority and minority of the councils a representation in said department in proportion to their numerical strength in said councils. The said finance department, in addition to powers and duties conferred by this act, shall exercise and perform all the duties now performed by the finance committee of the councils of the city of Pittsburg.

SECTION 2. The department of finance shall have control of all the fiscal concerns of the corporation and of the money appropriated for carrying on the business of the corporation. It shall prescribe the form of keeping and rendering all city accounts and the manner in which all salaries shall be drawn, and the mode by which all creditors, officers and employees of the corporation shall be paid. All pay-

ments by or on behalf of the corporation shall be made through the proper disbursing officers of the department of finance.

SECTION 3. All accounts rendered to or kept in the order of the members of this department, and it shall settle and adjust all claims in favor of or against the corporation and all accounts in which the corporation is concerned as debtor or creditor: *Provided however*, That such settlement and adjustment shall not have the effect of a judgment or decree.

All accounts to be settled and adjusted by.

SECTION 4. There shall be the following bureaus in this department:

*First.* An auditing bureau for auditing, revising and settling all accounts in which the city is concerned as debtor or creditor, and which shall keep an account of each claim for or against the corporation and of the sums allowed upon each, with the reasons for the allowance, the chief officer of which shall be called "the comptroller." He shall be secretary of the department of finance and perform all the duties now performed by the comptroller of the city of Pittsburgh when the same do not conflict with the provisions of this act.

Of the bureaus in the department.

*Second.* A bureau for receiving and collecting all moneys which may be due to the corporation and payable into the treasury of the city and for the payment of moneys on warrants drawn by the comptroller and countersigned by the mayor, the chief officer of which shall be called "the city treasurer." He shall perform all the duties now required by law of the treasurer of the city of Pittsburgh where the same do not conflict with the provisions of this act.

*Third.* A bureau for the collection of revenue derived from licenses and rents for public markets, the head of which shall be called "the superintendent of markets." Said bureau shall have charge and control of the public markets of the city, under the direction of the department of finance and councils.

*Fourth.* A bureau for the assessment of taxes and valuation of property, which shall perform all the duties now required of the board of revision for the equalization of the valuations of taxable property of the city of Pittsburgh, the head of which bureau shall be called "city assessor," who shall perform all the duties now required of the city assessor of the city of Pittsburgh, where the same do not conflict with the provisions of this act.

*Fifth.* A bureau for the assessment of the revenue to be derived from water rents, the head of which shall be called "water assessor," who shall perform all the duties now required of the water assessor of the city of Pittsburgh, where the same do not conflict with the provisions of this act.

*Sixth.* Such other bureau or bureaus as the councils may by ordinance establish.

SECTION 5. The heads of the bureaus in the department of finance shall be appointed by the councils by resolution, excepting the comptroller and treasurer who shall be elected triennially at the election hereinbefore provided for to be

Of the appointment, election and terms of office of heads of bureaus.

held on the second Tuesday of October, and shall hold their offices, respectively, for a term commencing on the first day of January next after their election and ending on the first Monday of January three years thereafter. The first election for said officers shall be at the election hereinbefore directed to be held on the second Tuesday of October in the year one thousand eight hundred and seventy-four. They shall severally hold their offices for the term of three years from the time of their election, unless sooner removed for cause by a vote of two-thirds of the members present in each branch of councils.

How moneys drawn  
from treasury.

SECTION 6. All money drawn from the city treasury shall be upon vouchers for the expenditure thereof examined and allowed by the comptroller and filed in his office.

Statements of re-  
ceipts and expen-  
ditures to be made.

SECTION 7. Full statements of the receipts and expenditures of all the departments, giving names, dates, amounts and objects of expenditure, shall be made on the third Monday of each month by each department to the department of finance; the comptroller, or any member of the department of finance, shall have power at any time to inspect, examine or copy any vouchers, records or papers in any of said departments; from the statements so returned, and other information, the department shall publish, at least once a year, in their report to the councils, a detailed statement of all the receipts and expenditures of the city during the preceding year; no bond, certificate of stock or evidence of public debt to be issued by the city shall be valid unless signed by the mayor and comptroller.

Vouchers, &c.,  
may be examined.

Statements to be  
published.

Bonds, &c., to be  
signed by mayor  
and comptroller.

Of annual estimates  
and levy of tax.

SECTION 8. On or before the first Monday of February, in each and every year, the members of the department of finance shall be and are hereby directed, in lieu of any existing authority in relation thereto, to make and agree upon an estimate of the various sums of money which, in their discretion, will be required to defray all the various expenses necessary for conducting the various boards and departments, whether legislative, executive or administrative, of the city government, which estimate shall be founded upon reports obtained from said departments, and also for paying the interest on the city debt and the principal of such debt falling due, which amounts, when so established by said department, shall be certified by them in detail to the councils to be by them accepted or modified as the aggregate expenditures of the city; and said councils are hereby empowered and directed annually to cause a tax sufficient for all purposes to be levied and collected off the estates, real and personal, subject to taxation within the city of Pittsburg.

Rights of comptrol-  
ler and treasurer.

SECTION 9. The comptroller and treasurer shall be entitled to seats in each branch of councils, and shall have the right to be heard in the same on all matters affecting or relating to said finance department and its affairs, but shall not have the right to vote.

## ARTICLE IX.

## THE SINKING FUND COMMISSION.

SECTION 1. There shall be a board of commissioners of the sinking fund, composed of the mayor, comptroller, president of the finance department, treasurer and presidents of the councils.

Board of commissioners of sinking fund.

SECTION 2. Said commissioners of the sinking fund shall have charge and control of all bonds or other evidence of indebtedness now in any sinking fund of any of the cities, boroughs or townships embraced within the territory mentioned in the first section of this act; they shall have charge and control, subject to the direction of the councils, of all moneys which are now or may hereafter be directed by law to be levied and collected for sinking fund purposes.

Powers of commissioners.

SECTION 3. The sinking fund commission shall cause all bonds and other evidences of indebtedness belonging to their department to be converted into registered bonds of the authorized loans of the city of Pittsburg; said bonds to be registered in the name of the sinking fund commission, and when the mayor and comptroller have caused such registered bonds to be issued it shall not be lawful for any of said commission to transfer any of such registered bonds to any other person or persons, or to any other use, or to cancel the same and issue new bonds.

To cause all bonds to be converted into registered bonds.

Not to be transferred, &c.

SECTION 4. The said sinking fund commission shall report annually to councils, at their first meeting in December, a full and accurate report of the transactions of the said sinking fund department during the year preceding, and of the amount of money and securities in their hands at time of report, and the condition of all matters in their charge, and to recommend all such matters connected with the said department and its affairs, as the commissioner may deem expedient, which said report shall be acted upon by councils as soon as conveniently may be after its reception.

To make annual report to councils.

## ARTICLE X.

## THE LAW DEPARTMENT.

SECTION 1. The law department of said city shall consist of two officers, to be called "corporation counsel" and "city attorney," respectively. The corporation counsel shall from time to time, when required, advise the councils, their committees, the departments and other officers of the corporation, on all matters which may be submitted to him for his opinion. He shall prosecute and defend as counsel for the corporation, all actions which may be brought by or against the corporation or any officer thereof, for or by reason of any matter or duty connected with or growing out of their respective offices, and in which the corporation is interested, in any court of this state or of the United States. He shall perform such other duties as may be required by the laws or ordinances of the city. Said department shall semi-annually report to the councils the condition of all suits pending, all receipts of the office and all other matters pertaining to the business of said department.

How law department composed.

Duties of corporation counsel.

Department to report semi-annually to councils.



Qualifications and election of corporation counsel.

**SECTION 2.** The corporation counsel shall be a member of the bar of this state, who shall have practiced law in the courts of Allegheny county at least five years prior to the time of his appointment, and shall be elected by councils at such time and for such term as they may think proper.

Qualifications and appointment of city attorney.

**SECTION 3.** The city attorney shall be a member of the bar of this state for at least five years, consecutively, immediately prior to his appointment, and shall be appointed by resolution of the councils for and during the period of three years from the time of his appointment; he shall not be removed except for cause, and then by a vote of two-thirds of all the members elected to the councils. He shall perform such duties as may be assigned to him by the ordinances of the city.

How removed.

His duties.

Powers of the department.

**SECTION 4.** The law department shall have the charge and conduct of all law business of the corporation and of its departments, and the charge and conduct of legal proceedings necessary in widening, opening or altering streets, avenues and public places, and shall, whenever applied to by the comptroller, draw the leases, deeds and other legal papers connected with the finance department.

Rights of corporation counsel and city attorney.

**SECTION 5.** The corporation council and city attorney shall be entitled to seats in the councils, and shall have the right to be heard in said councils on all matters affecting or relating to said department, but shall not have the right to vote.

## ARTICLE XI.

### THE DEPARTMENT OF PUBLIC INSTRUCTION.

Department of public instruction, powers and duties of.

**SECTION 1.** There shall be a department of public instruction which shall have the same powers and discharge the same duties now vested in the central board of education of the city of Pittsburgh, not inconsistent with the provisions of this act.

How composed.

Style.

Of the election and organization of commissioners.

**SECTION 2.** Said department shall consist of one member from each sub-school district; the said members shall be styled the "the commissioners of public instruction," and shall constitute the board of public instruction of the city of Pittsburgh; they shall be elected in the same manner as the members of the central board of education of the city of Pittsburgh are elected; the said commissioners shall organize on the second Tuesday of January, one thousand eight hundred and seventy-five, being called to order by the secretary of the central board of education, of the city of Pittsburgh, at their first meeting, and at subsequent organizations by such person as they may by their rules provide.

Of the bureaus in the department.

**SECTION 3.** There shall be the following bureaus in this department.

*First.* A bureau of schools and teachers, the head of which shall be called "superintendent of public instruction," who shall perform all the duties now required of the city superintendent of public schools, and such other duties as may be required by the department of public instruction or the ordinances of the city.

*Second.* A bureau of details, the head of which shall be called "the secretary of the board of public instruction,"

who shall perform all the duties now required of the secretary of the central board of education of the city of Pittsburgh, and such other duties as may be required by the department of public instruction or the ordinances of the city.

SECTION 4. The heads of bureaus in this department shall be elected, and their salaries prescribed by the board of public instruction; said salaries subject to the approval of councils; they shall severally hold their offices for the term of three years from the time of their election unless sooner removed for cause by a vote of two-thirds of the members of the board public instruction.

Election and salaries of heads of bureaus.

Terms of office.

SECTION 5. In each and every year the board of public instruction shall on the before the first day of February, furnish the department of finance with an estimate of the money necessary for the department for the ensuing year, which estimate shall include salaries of officers, teachers and janitors, fuel, gas, apparatus, books, interest on department loans, repairs and the miscellaneous expenses of the various schools and of the department; the said board shall at the same time furnish special estimates for such sum or sums of money as may be necessary to pay interest on the local indebtedness of the respective sub-school districts, and to provide a sinking fund for the payment of said indebtedness at maturity; said estimates when received by the department of finance, shall, by said department, be reported to the councils who shall in their annual appropriations appropriate in the same manner as other appropriations are made under the provisions of this act the several sums called for by the board of public instruction; the sums so appropriated shall remain in the bureau of the department of finance for receiving and collecting money, and shall be paid out by the city treasurer on the warrants of the president of the board of public instruction countersigned by the secretary of said board.

Of estimates and appropriations.

SECTION 6. The school directors shall be elected in the several sub-school districts within said city in the manner now provided by law, but such school director shall have no power to levy taxes for any purpose whatever.

Of the election of directors.

SECTION 7. The school directors of the several sub-districts shall annually, on or before the fifteenth day of January, furnish the board of public instruction with an estimate of the money necessary for the ordinary expenses of their sub-district, exclusive of salaries of teachers and janitor, and an estimate of the sum necessary to pay the interest on their local indebtedness and to provide a sinking fund for the payment of said indebtedness at maturity.

Of estimates by directors of sub-districts.

SECTION 8. Whenever it becomes necessary to make an appropriation for paying interest and providing a sinking fund to pay the local indebtedness of any sub-district, the councils shall raise the same by levying a special tax upon the assessed valuation of said sub-school district: *Provided*, That the interest accrued on such sinking fund shall be placed to the credit of the several districts respectively, and shall become a part of said sinking fund.

Appropriation to meet interest and pay local indebtedness, to be raised by special tax.

SECTION 9. The president of the department of public instruction shall be entitled to a seat in councils, and shall have

Rights of president of department.

the right to be heard in the same on all matters affecting or relating to said department and its affairs, but shall not have the right to vote.

Laws now in force  
to continue.

SECTION 10. All laws or parts of laws relating to school directors, public schools and school property in the city of Pittsburg now in force, and not hereinbefore repealed, supplied or modified, shall continue in full force.

Prohibitions and  
restrictions.

SECTION 11. The said department shall have no power to incur indebtedness nor to raise or expend money except such as shall have been previously appropriated by the councils.

## ARTICLE XII.

### GENERAL PROVISIONS.

Of the corruption  
of councilmen.

SECTION 1. Every person who shall promise, offer or give, or cause, or aid or abet in causing to be promised, offered or given, or furnish or agree to furnish, in whole or in part, to be promised, offered or given to any councilman or any officer of the corporation after his election or appointment, or before or after he shall have qualified and taken his seat, any moneys, goods, right in action or other property, or any thing of value, or any pecuniary advantage present or prospective, with intent to influence his vote, opinion, judgment or action on any question, matter, cause or proceeding which may be then pending or may by law be brought before him in his official capacity shall, upon conviction, be imprisoned in a penitentiary for a term not exceeding two years, or shall be fined not exceeding five thousand dollars, or both, in the discretion of the court; every councilman or officer in this section enumerated, who shall accept any gift or promise or undertaking to make the same under any agreement or understanding that his vote, opinion, judgment or action shall be influenced thereby; or shall be given in any question, matter, cause or proceeding then pending or which may by law be brought before him in his official capacity shall, upon conviction, be disqualified forever from holding any public office, trust or appointment under the city of Pittsburg, and shall forfeit his office and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding five thousand dollars, or both, in the discretion of the court; every person offending against any of the provisions of this section shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before the grand jury or in any court in the same manner as other persons; but if any person shall give testimony in any trial or proceeding under this section, such testimony shall not be used against him in any criminal prosecution whatever, by reason of any thing done by him in relation to such transaction.

Of suit's against  
councilmen for  
damages.

SECTION 2. Any citizen claiming to have suffered special damage by any such vote or action of any councilman or officer given for any dishonest or corrupt motive or consideration, may bring suit against such councilman or officer, and recover his damages not exceeding one thousand dollars.

**SECTION 3.** No councilman, commissioner, head of department, chief of bureau, or other officer of the corporation, or employee therein, shall be directly or indirectly interested in any contract, work or business, or the sale of any article, the expense, price or consideration of which is paid from the city treasury, or by any assessment levied by any act or ordinance of the councils, nor in the purchase of any real estate or other property belonging to the corporation, or which shall be sold by virtue of legal process at the suit of said corporation. No member of the board of public instruction shall be interested in the sale of any school books to be used in the schools of the city by direction of said board of public instruction. If any officer above named shall be so interested at the time of his election or appointment, he shall forfeit his office, and if he shall during the term for which he was elected or appointed, knowingly acquire an interest in any such contract, work, business, sale or assessment, he shall on conviction thereof forfeit his office, and be punished as for a misdemeanor. All such contracts or sales shall be forfeited as to any interest of the councilmen or other officers enumerated in this section.

Officers and employees not to be interested in contracts, &c.

Penalties.

**SECTION 4.** Any officer of the city government or person employed in its service, who shall willfully violate or evade any of the provisions of this act, or convert any of the public property to his own use, or knowingly permit any other person so to convert it, shall be deemed guilty of a misdemeanor, and in addition to the penalties imposed by law shall forfeit his office, and be excluded forever after from receiving or holding any office under the city; and any person who shall willfully swear falsely in any oath or affirmation required by this act, shall be guilty of perjury.

Of willful violation of act, and conversion of public property to private use.

**SECTION 5.** No appropriation for the contesting of the office of mayor, or any seat in the councils or department of public instruction, shall be made to any but the prevailing party. Nor shall such appropriation be made, except upon the written certificate as to value of services by the chief officer of the law department. The councils shall provide by ordinance the manner in which an election for mayor, councilman or commissioner of public instruction shall be contested.

Of appropriations for contesting offices of mayor and councilmen.

Councils to provide mode of contest.

**SECTION 6.** Any person holding office, whether by election or appointment under this charter, who shall during his term of office accept, hold or retain any other civil office of honor, trust or emolument under the government of the United States or the state, or under this charter, or shall accept a seat in the legislature, shall be deemed thereby to have vacated his office. No person shall hold two charter offices, nor shall any officer under the city government hold or retain an office under the county government, except when he holds such office *ex-officio* by virtue of an act of the legislature, and in such case he shall draw no salary for such *ex-officio* office.

Of the holding of two offices.

**SECTION 7.** The councils shall have power by ordinance to divide and arrange the territory mentioned and designated

Councils may divide territory into wards.

in the first section of this act into such number of wards or districts as they may deem advisable.

Commission to be  
appointed by  
court.

**SECTION 8.** That a commission consisting of three citizens of Allegheny county, shall be appointed on or before the first Monday of July, one thousand eight hundred and seventy-four, by the court of common pleas of Allegheny county, who after being duly sworn by a judge of said court to well and faithfully perform all the duties enjoined upon them by this section, shall proceed to perform the duties hereinafter stated, namely:

Duties of.

*First.* To immediately inquire into and ascertain what amount of municipal debts and other liabilities, and of annual interest chargeable thereon, is owing by each of the several cities, boroughs and townships, within the boundaries of the city incorporated by this act.

*Second.* To inquire into and ascertain what municipal property, real and personal, including lands, lots, public squares, common grounds, parks, wharves or landings, water works, market houses, city halls, poor houses, fire engine houses, and all other public buildings excepting school houses, is owned or held by each of the cities, boroughs, districts and townships contained within the limits mentioned and designated in the first section of this act, to determine the value thereof, and the average amount of the net annual revenue derived therefrom; in determining the value of such property, the commission shall take into consideration the net revenue derived therefrom or the amount in cash which would probably, be obtained for it if offered for sale at public auction, or what the same would cost, if purchased and improved at the time of appraisement, or both, as it may deem most equitable and just to all parties interested.

*Third.* The commission shall have power to demand from each and any of the municipal officers of said cities, boroughs and townships, having the custody of books and papers relating to municipal debts or liabilities, or of municipal property or records relating thereto, or revenue derived therefrom, accurate statements thereof, and it shall be the duty of said municipal officers to prepare and submit such statements certifying under oath that the same are correct to the best of their knowledge and belief; the commission may summon any municipal officers or other persons to appear before them to testify under oath concerning municipal debts or property or other matters which it may deem necessary to the proper performance of its duties, and it shall have power to administer oaths to any person so called to appear before them.

*Fourth.* When the value of property owned or held by each of the cities, boroughs and townships aforesaid shall have been determined, the amount owned by each shall then be subtracted from the amount of ascertained indebtedness of each, respectively, and the remainder shall be deemed and taken as the amount of the separate indebtedness owing by each in excess of the value of property owned and held by each; the excess of separate indebtedness of

each city, borough and township, when so determined, shall be compared with the assessed value of taxable property in each, respectively, according to latest valuations of assessors, as the same may appear in the official records of the county commissioners, and the ratio or proportion between said indebtedness and values of property in cash shall be determined, and when such proportion shall have been determined, the commission shall fix upon and set forth such a rate of special tax to be separately levied and collected in each of the former cities, boroughs and townships, as shall be sufficient to pay and discharge all the separate debts and liabilities of each in some reasonable and stated period of time not exceeding in any case a period of fifty years.

*Fifth.* It shall be duty of the commission on or before the first Monday of December, one thousand eight hundred and seventy-four, to prepare and submit to the court of common pleas of Allegheny county a full report of its proceedings and a statement in detail of the debts owing and of the property owned by each of the said cities, boroughs and townships, and of such rates of special tax to be separately levied and collected in each, as they may deem most equitable and just to all parties interested.

SECTION 9. The said court shall, within ten days after receiving the report of the commission made in pursuance of the next preceding session, appoint a day before the first Monday of January, one thousand eight hundred and seventy-five, and cause due public notice thereof to be given when any of the municipal authorities or auditors of townships, who may be interested in the rate or the apportionment of the special taxation set forth in said report, may appear in court and be heard by counsel thereon; whereupon, after a due hearing of the parties interested, the court shall, before February first, one thousand eight hundred and seventy-five, determine and decree the rate of special tax which shall thereafter be separately levied on all taxable property and collected in each of the several cities, boroughs and townships aforesaid, to be applied in paying the interest and the principal of the excess of indebtedness owing at that time by each of the said cities, boroughs and townships, respectively, and to no other purpose whatever, until the same shall have been fully paid and discharged.

Powers and duties of court on report of commission.

SECTION 10. The city corporation created by this act shall obtain from the said court authenticated copies of the report of the commission made in pursuance of section eight, article twelve of this act, and of the decree of the court thereon, within five days after said decree is made, and shall, as soon as practicable thereafter, pass an ordinance for carrying the same into effect according to its full tenor and meaning in all respects, whereby the city corporation shall assume and become liable for all the municipal debts and liabilities of each of the former corporations or townships comprised within its limits; and all rights of property of every kind and description which were vested in any of said former corporations or townships shall thereafter be deemed and held to be vested in the corporation created by this act;

Of the carrying of report of commission and decree of court into effect.

no rights or liabilities either in favor of or against either of said corporations existing at the time of this act taking effect, and no suit of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made: *Provided*, That nothing herein contained shall be construed to empower said corporation to sell, mortgage, lease or in any manner alienate any lands which were held by any of said former corporations as public squares, common grounds or river shore landings, but such land shall be held for general public use in the same manner as before the passage of this act.

Cities, boroughs, &c., not to create additional indebtedness after commission appointed.

SECTION 11. The said cities, boroughs, townships or districts embraced within the territory mentioned and designated in the first section of this act shall have no authority to create any additional indebtedness other than that which has been previously appropriated, after the commissioners to ascertain the separate indebtedness have been appointed by the court of common pleas aforesaid.

When municipal powers of cities, boroughs, &c., to become merged.

SECTION 12. The municipal powers and authority of the several cities, boroughs, townships and districts within the territory mentioned and designated in the first section of this act shall, on the first day of January, one thousand eight hundred and seventy-five, be merged in the corporation hereby created; that the laws of the city of Pittsburg except so far as they conflict with the provisions of this act shall be and are hereby made the laws of the corporation created by this act.

Councilmen, &c., to serve without pay.

SECTION 13. The members of council, the board of public instruction, and commissioners of the different executive departments created by this act, shall serve without pay or emolument.

Sewer system established.

SECTION 14. A sewer system is hereby established, which shall be divided into three classes, viz: Public, district and private sewers.

Of public sewers.

SECTION 15. Public sewers shall be established and constructed along the principal courses of drainage at such times, to such extent, of such dimensions, material and under such regulations as may be provided by ordinance, and there may be constructed such branches to sewers already constructed or to be constructed as may be considered expedient: *Provided*, That no sewer shall be run diagonally through private property, when it is practical to construct it parallel with lines of such property, nor shall any public sewer be constructed through private property when it is reasonably practicable to construct it along a street or public highway.

Of district sewers.

SECTION 16. The cost of constructing district sewers shall be payable by property owners, and said sewers shall be established within the limits of districts, to be prescribed by ordinance, connecting with a public sewer, district sewer or some natural course of drainage; such district may be subdivided, enlarged or changed by ordinance at any time previous to the construction of the sewer therein; the councils shall cause sewers to be constructed in any district whenever a majority of the property holders resident therein shall petition therefor, or whenever the said councils may deem it

necessary for sanitary or other purposes; and the character, dimensions, materials and location of such sewer shall be prescribed by ordinance or contract, and may be changed, diminished, enlarged or extended by ordinance, and shall have all the requisite laterals, inlets and other appurtenances; as soon as a district sewer is completed, the city engineer, under supervision of the department of public works, shall compute the whole cost thereof, and shall assess it as a special tax against all the lots of ground in the district, respectively, without regard to improvements, and in proportion as their respective areas bear to the area of the whole district exclusive of the public highways; and said officers shall make out a certified bill of such assessments against each lot in the district in the name of the owner thereof, which shall be collected and paid in the manner now prescribed by law: *Provided*, That the repairs and other incidental expenses of district sewers shall be paid out of the general revenue.

SECTION 17. Private sewers connecting with the public and district sewers may be constructed under such restrictions and regulations as the councils may prescribe by general or special ordinance, but the city shall be at no expense in the construction, repairing or cleaning of the same. Of private sewers.

SECTION 18. Whenever the city shall be made liable to an action for damages by reason of the unauthorized or wrongful acts, or of the negligence, carelessness or unskillfulness of any person or corporation, and such person or corporation shall also be liable to an action on the same account by the party so injured, the injured party, if he sue the city for the damages suffered by him, shall also join such other person or persons or corporations so liable as a defendant or defendants in his suit; and no judgment shall be rendered against the city unless judgment is also rendered against such other person or corporation so liable to be sued as aforesaid; and if any action be brought against the city alone and it is made to appear that any other person or corporation ought to be joined as a defendant in the suit according to the provisions of this section, the plaintiff shall be nonsuited, but no person shall be liable under this act to be sued jointly with the city who would not be liable to be sued separately irrespective of its provisions. When a judgment shall be obtained against the city and the other party liable as aforesaid, execution shall issue against all the defendants in the ordinary form, but shall be first enforced and collected of the other defendants, and shall not be collected of the city unless the other defendants are so insolvent that the same cannot be made out of them, and in that case the city shall pay only so much of the judgment as cannot be made out of the other defendants. Of suits against city where others are liable on same account.

SECTION 19. The department of public works shall establish a general plan for the location and graduation of streets within the city, subject to the approval of councils; and in all sub-divisions of property hereafter to be made by the respective owners, they shall conform their streets to said general plan; and in all cases where the lands of the city of Pittsburgh are hereafter sub-divided or laid out into lots, sub-lots Of executions in such cases.

Of plans of streets, sub-division of lands into lots, &c.



or blocks, streets or alleys, or where new streets or public grounds are donated or granted to the public by any proprietor, in order to secure a uniform plan in the laying out of streets and alleys, the map or plat thereof shall be submitted to the city engineer, who shall endorse thereon that the same is in accordance with the said general plan of the city, if the fact be so; and no such map or plat shall be recorded in the recorder's office of Allegheny county or have any validity until so endorsed; and it shall be the express duty of the county recorder to enforce the provisions of this clause, under a penalty of five hundred dollars for each case, before any person whatever shall be permitted to record any sales made contrary to such general plans, unless it be otherwise permitted by ordinance: *Provided*, That the city shall be liable for damages sustained by the owners of real estate upon which permanent buildings shall have been erected by any change of the grade of any street upon which real estate shall front.

(Of ordinances for opening streets.

SECTION 20. It shall not be lawful for the councils to pass any ordinance for the opening, improvement or construction of any street or alley, or other public highway or place, unless the work proposed is in accordance with the general plan of said city and the grades or drainage which have been established; and any ordinance for the opening, improvement or construction of any street, alley or other public improvements shall, on its second reading, be referred to the department of public works for examination, who shall report the result of such examination to the branch of councils in which such ordinance may have been offered, at its next meeting or within ten days from the date of said reference, if such council be in session, or at the first meeting of the next session thereafter; when such ordinance is returned by the department of public works it shall be disposed of as the councils may direct.

(Of contracts relating to city affairs.

SECTION 21. All contracts relating to city affairs, as far as practicable, shall be in writing, signed and executed in the name of the city by the officer authorized to make the same, after due notice; and in cases not otherwise directed by law or ordinance such contracts shall be made and entered into by the comptroller, but no contract shall be entered into or executed directly by the councils or their committees, but some officer shall be designated by ordinance to enter into and execute such contract; all contracts shall be countersigned by the comptroller and filed and registered by number, date and contents in his office, and attested copies furnished to such other persons or officers as are interested in the performance as required.

Act made evidence.

SECTION 22. This act is declared to be a public act, and may be read as evidence in all courts of law or equity; and all ordinances, resolutions and proceedings of the city may be proved by the seal of the corporation, attested by the proper officer, and when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Also ordinances, &c., published by authority.

SECTION 23. That in case a majority of the voters of the qualified voters of the election district within the boundaries in the first section of this act, lying north of the Allegheny river, vote for consolidation, the judges of the court of common pleas of Allegheny county, be and they are hereby directed and required to appoint three appraisers to estimate and appraise under oath or affirmation, the actual cash value, first deducting therefrom any reserve or contingent fund held by any corporation, of any and every bridge, turnpike or plank road company, within the bounds of said corporation, which claims to charge toll for the use of its improvement, and before February first, eighteen hundred and seventy-five, to return to the mayor of the city to be laid before the councils thereof, a true valuation and appraisement of the stock of said corporations; and said councils are hereby authorized, at any time not exceeding one year thereafter, by ordinance duly passed, to create a permanent loan, to be called the bridge loan, to purchase and make forever free the all the bridges and highways within the bounds of the consolidated city: *Provided*, That each holder of stock who releases his or her stock to said city, shall be entitled to receive such percentage upon the value in the said bridge loan as council may direct, not exceeding the value so fixed by said appraisers, and that until such tender of equivalent in value is made, no rival bridge company not already chartered shall be erected by any of the existing corporations: *Provided further*, That if the existing bridge corporations shall not within three months after the tender accept the same, then the said city may create such other free bridge as the business of the enlarged city demands, or proceed by condemnation to acquire title to the same, in the manner that private property is taken for public purposes under provisions the general railroad law of one thousand eight hundred and forty-nine, and its several supplements: *Provided further*, That if at the election to be held next October, or any subsequent election provided for by this act, a majority of the qualified voters of the district lying north of the Allegheny river shall vote for annexation, then the provisions of this act shall extend to said district; but if the majority of the voters of said district shall be against consolidation, then the provisions of this act shall be null and void so far as relates to said district north of the Allegheny river.

Of the purchase of property and franchises of bridge, turnpike and plank road companies.

Proviso.

Proviso.

Of vote on annexation by district north of Allegheny river.

APPROVED—The 7th day of January, A. D. 1874.

J. F. HARTRANFT.

## CERTIFICATE.

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SECRETARY'S OFFICE, }  
HARRISBURG, July 11, 1874. }

I CERTIFY, that in obedience to the directions of an act of the General Assembly of the Commonwealth of Pennsylvania, I have collated with, and corrected by the original rolls on file in this office, the proof-sheets of the printed copies of this edition of the Laws and Resolutions of the General Assembly, passed during the session ending the fifteenth day of May, 1874, (one act, viz.: "An Act to regulate the manner of advertising for the State, and the issuing of warrants therefor," being re-published to correct an error in the printing of the second section thereof,) including an appendix containing laws passed at the sessions of 1867, 1870, 1871 and 1872, not heretofore published by reason of the non-payment of first instalment of bonus on capital stock, as required by the fifteenth section of "An Act to revise, amend and consolidate the several laws taxing corporations, brokers and bankers," approved May first, 1868; also laws passed at the session of 1873, approved by the Governor, or upon which enrolment taxes have been paid, since the edition of the Pamphlet Laws for the year 1873 was closed.

M. S. QUAY,  
*Secretary of the Commonwealth.*

# A PROCLAMATION BY THE GOVERNOR.

PENNSYLVANIA, ss : }  
J. F. HARTRANFT. }



In the name and by the authority of the Commonwealth of Pennsylvania, JOHN F. HARTRANFT, *Governor of the said Commonwealth :*

## A PROCLAMATION.

I, JOHN F. HARTRANFT, Governor of the Commonwealth of Pennsylvania, have caused this proclamation to issue, and in compliance with the provisions of article IV, section 15, of the constitution thereof, do hereby give notice, that I have filed, with my objections thereto, in the Office of the Secretary of the Commonwealth, the following bills passed by both houses of the General Assembly, viz :

House bill, No. 45, entitled "An Act to provide for the change of venue in criminal and civil cases."

Senate bill, No. 52, entitled "An Act relating to livery stable keepers, providing for the fine and punishment of any bailee or bailees for any damage wilfully done to the property of any livery stable keeper, or for over-driving, while in the custody or possession of such bailee or bailees to whom the same may have been hired, and making the same a misdemeanor."

Senate bill, No. 71, entitled "An Act authorizing common carriers, factors and others to sell goods, wares, merchandise and other property unclaimed, upon which they have a lien."

Senate bill, No. 76, entitled "An Act to authorize the courts to confirm the title to lands where the conveyances are defective, and where the purchase money has been paid."

House bill, No. 124, entitled "An Act providing for the construction of sewers by incorporated boroughs."

Senate bill, No. 128, entitled "An Act relating to the holding of criminal courts in the county of Philadelphia."

Senate bill, No. 150, entitled "An Act to provide for the surrender of the franchises of turnpike or plank road companies within this commonwealth, over and upon such portions of their roads as may lie within the limits of any incorporated city or borough."

House bill, No. 150, entitled "A supplement to an act, entitled 'An Act to establish the Mechanics' High School of Pennsylvania,' approved the fifth day of June, eighteen hundred and seventy-three, authorizing the trustees to expend certain funds to promote mechanical instruction in existing colleges."

House bill, No. 153, entitled "An Act to provide for the terms and return days of the several courts of common pleas of Allegheny county."

Senate bill, No. 156, entitled "An Act relating to the jurisdiction of courts of common pleas and the organization of courts of common pleas in the county of Philadelphia."

Senate bill, No. 157, entitled "An Act conferring jurisdiction on the court of common pleas of the Twelfth judicial district in cases of *mandamus* against state officers."

Senate bill, No. 162, entitled "An Act in relation to mendicant and vagrant children."

Senate bill, No. 163, entitled "An Act to repeal the charter of the Karlsruhe Bridge and Turnpike Company."

House bill, No. 170, entitled "An Act directing the manner in which the courts of common pleas of Allegheny county shall detail one or more of their judges to hold the courts of oyer and terminer and quarter sessions of the peace of Allegheny county."

Senate bill, No. 177, entitled "An Act to enable banks to consolidate, and to increase the capital stock of the banks so consolidated."

Senate bill, No. 178, entitled "An Act to fix the salaries of county officers in counties containing over one hundred and fifty thousand inhabitants."

Senate bill, No. 179, entitled "A supplement to an act, entitled 'An Act relating to counties and townships, and county and township officers,' approved April fifteenth, one thousand eight hundred and thirty-four."

House bill, No. 180, entitled "An Act extending the provisions of an act, entitled 'A supplement to an act relating to the lien of mechanics and others upon buildings, approved the sixteenth day of June, Anno Domini one thousand eight hundred and thirty-six, so far as relates to certain counties,' approved the first day of May, Anno Domini one thousand eight hundred and sixty-one, to all the counties of the commonwealth."

Senate bill, No. 185, entitled "Joint resolution providing for the settlement and payment of certain claims arising under an act, entitled 'An Act providing for the appointment of an inspector of steam boilers in the counties of Schuylkill, Northumberland and Columbia, by the governor of the commonwealth,' approved the ninth day of May, Anno Domini eighteen hundred and seventy-one."

Senate bill, No. 191, entitled "An Act for the relief of the Leibbrandt and M'Dowell Stove Company."

House bill, No. 195, entitled "An Act for the suppression of the trade in and circulation of obscene literature, illustrations, advertisements and articles of indecent or immoral use, and of obscene advertisements of patent medicines and articles for producing abortion."

Senate bill, No. 198, entitled "An Act to prevent the defiling of ice upon ponds, streams, rivers, creeks and canals owned or leased for the production of ice."

Senate bill, No. 211, entitled "An Act prescribing the mode of ascertainment and payment of damages resulting from the grading of avenues, streets or alleys, or parts thereof, by any city of the commonwealth."

Senate bill, No. 225, entitled "An Act to amend an act concerning the sale of railroads, canals, turnpikes, bridges and plank roads, approved the eighth day of April, one thousand eight hundred and sixty-one."

Senate bill, No. 238, entitled "An Act authorizing notaries public to appoint deputies in certain cases."

House bill, No. 247, entitled "An Act legalizing and giving effect to agreements of release and compromise between creditors and debtors."

House bill, No. 252, entitled "An Act to grant the consent of the state of Pennsylvania to the acquisition by the United States of certain lands within the state, and bordering on the Ohio river, for the purpose of erecting thereon dams, abutments, locks, lock-houses, offices and other necessary structures for the construction and maintenance of slackwater navigation on the said river, and ceding jurisdiction over the same."

Senate bill, No. 257, entitled "An Act to repeal all provisions of the act of April tenth, one thousand eight hundred and seventy-three, entitled 'An Act for the registration of births, deaths and marriages in the city of Allentown,' relating to marriages."

Senate bill, No. 268, entitled "An Act to punish the sale and traffic in mineral water bottles and other bottles, and for the protection of bottlers and venders of mineral water and other beverages in this commonwealth."

House bill, No. 275, entitled "An Act to repeal part of an act to repeal an act to lay out and make a state road in Clearfield county, approved April ten, one thousand eight hundred and seventy-three, and to vest control of certain poor and school taxes therein, in Huston township."

Senate bill, No. 280, entitled "An Act to authorize Robert Cummins, Joseph Harkness and Rev. J. A. M'Gill, or a majority of them, the trustees of the Associate Presbyterian church and congregation of Reedsville, to sell and convey the real estate belonging to said church and congregation, situate in Reedsville, Brown township, Mifflin county."

Senate bill, No. 291, entitled "An Act authorizing the council of the boroughs of the commonwealth to regulate the collection of borough tax therein."

Senate bill, No. 321, entitled "An Act to repeal the second section of an act, entitled 'A supplement to an act, entitled 'An Act to alter the road laws in the township of Lenox,' approved the twentieth day of February, one thousand eight hundred and fifty-four,' so far as relates to the township of Silver Lake, in the county of Susquehanna, being first duly advertised according to law."

House bill, No. 325, entitled "An Act to enable members of corporations and stockholders to vote by proxy, and to regulate the number of their directors and change the corporate name."

Senate bill, No. 343, entitled "An Act to repeal a joint resolution for the settlement of certain claims arising under contracts concerning the soldiers' orphan school at Titusville, approved April ten, one thousand eight hundred and seventy-three."

House bill, No. 366, entitled "An Act to re-imburse W. G. Taylor, superintendent of the soldiers' orphans' schools at Phillipsburg, Beaver county, and A. H. Waters, superintendent of the soldiers' orphans' schools at Uniontown, Fayette county, Pennsylvania, for clothing, transportation and funeral expenses of soldiers' orphans."

House bill, No. 389, entitled "An Act relating to gas companies, regulating the sale, consumption and inspection of gas."

House bill, No. 402, entitled "An Act to repeal an act, entitled 'An Act to establish criminal courts for the counties of Lebanon, Dauphin and Schuylkill,' approved the eighteenth day of April, in the year of our Lord one thousand eight hundred and sixty-seven, and the supplement thereto, approved the twenty-first day of April, in the year of our Lord one thousand eight hundred and seventy."

House bill, No. 410, entitled "An Act to authorize the prothonotaries and clerks of the several courts to take recognizances, bail and approve bonds."

Senate bill, No. 223, entitled "An Act for the relief of Amy E. Maxwell, widow of James G. Maxwell, deceased."

Senate bill, No. 233, entitled "An Act to repeal an act, entitled 'An Act for the protection of sheep, and taxing of dogs in the township of Hamilton, in the county of Monroe,' approved the second day of April, Anno Domini one thousand eight hundred and seventy."

Given under my hand and the great seal of the State, at Harrisburg, this thirteenth day of June, in the year of our Lord, one thousand eight hundred and seventy-four, and of the Commonwealth the ninety-eighth.

BY THE GOVERNOR :

M. S. QUAY,  
*Secretary of the Commonwealth.*

LIST OF CHARTERS OF CORPORATIONS created and organized under act of April 29, 1874, entitled "An Act to provide for the incorporation and regulation of certain corporations," enrolled in the office of the Secretary of the Commonwealth between the date of approval of said act and the 14th day of July, A. D. 1874. Published in pursuance of the provisions of the forty-fifth section of the aforesaid act of April 29, 1874.

STYLE AND TITLE OF CORPORATION.	PURPOSE.	LOCATION.
The Manheim Ore Bank and Manufacturing Company.	{ To mine, prepare for market and to sell iron ore and other minerals, and to manufacture and sell iron and steel.	Pottsville boro., Schuylkill county, Penna.
Passenger Fare Enumerator and Classifier Company.	{ The purchase and sale of patent rights, the issue of licenses thereunder, and the manufacture and sale of patented articles for the reception, enumeration and classification of fares on public conveyances, or other uses to which such articles may be applied.	Philadelphia city, Pennsylvania.
The Washington Building and Loan Association.	{ To accumulate a fund from monthly contributions, and fines, premiums on loans, profits and interests, to be loaned to its stockholders on approved securities; to purchase and erect houses, and to sell, convey, lease or mortgage the same to its stockholders or others for the benefit of its stockholders, and to do all and such things as it can lawfully and legally do under the provisions of the act of assembly relating to building and loan associations, approved April 29, 1874.	Washington bor., Washington county, Pennsylvania.
Point Pleasant Building and Loan Association.	{ Creating a capital of the monthly contributions, for the mutual benefit of its members.	Philadelphia city, Pennsylvania.
The North Star Building Association.	{ The accumulation of a fund from the periodical payment of dues by its members, fines, premiums on loans, and profits on investments, sufficient to aid the respective members thereof to purchase a homestead or other real estate.	Allegheny city, Pennsylvania.
The Windmill Island Ferry Company.	{ The establishment and maintenance of a steamboat ferry, between the Delaware front of the city of Philadelphia and Windmill island, in the river Delaware.	Philadelphia county, Pa.
The Mutual Life and Accident Insurance Company of Pennsylvania.	{ The insurance of human beings against death, sickness or personal injury, with the power and right to make insurances of every kind pertaining to or connected with death, sickness or accidents of every nature and kind to human beings, and whether within this commonwealth or beyond it, and with the power and right to make, execute and perfect such and so many contracts, agreements, policies and other instruments, as may be required therefor, and to enjoy and possess, all and every, the rights, privileges and franchises conferred by law under said act.	Williamsport city, Pennsylvania.
The Building and Loan Association of Lock Haven, Pa.	{ Accumulating a fund, and the loaning or investment thereof, so as to promote the interests of the association and its members, by enabling them to purchase real estate, erect buildings, pay off encumbrances, and for other similar purposes.	Lock Haven city, Pennsylvania.
Model Building and Loan Association of Philadelphia.	{ The accumulation of a fund sufficient to enable the stockholders to build or purchase for themselves, respectively, dwelling houses or such other real estate as they may deem advantageous.	Philadelphia city, Pennsylvania.
The Shackamaxon Land Company.	{ Purchasing and selling real estate, improved or unimproved, and the erection of buildings thereon, or improvement thereof, and allotment or division of same.	Philadelphia city & county, Pennsylvania.
Philadelphia Co-operative Saw and Tool Manufacturing Company.	{ Carrying on the business of manufacturing saws and tools.	Philadelphia city, Pennsylvania.
St. Agatha's Building and Loan Association.	{ Procuring a fund by monthly payments, for the purpose of loaning the same to the members, on sufficient security being given for the re-payment thereof, together with such interest, premium and fines as may be due thereon.	Philadelphia city & county, Pennsylvania.
The Annunciation Building and Loan Association.	{ Accumulating a fund by monthly payments, and loaning the same to the stockholders, on security being given for the payment of the same monthly, with interest and premium thereon.	Philadelphia city & county, Pennsylvania.
The East Penn Iron Company.	{ Manufacturing pig iron, and for mining and quarrying such ores or stones, exclusive of coal, as are necessary for manufacturing pig iron.	Neighborhood of village of Lyons, Berks county, Pennsylvania.



## LIST OF CHARTERS OF CORPORATIONS—Continued.

STYLE AND TITLE OF CORPORATION.	PURPOSE.	LOCATION.
The Fairmount Steamboat Company.	To build, charter, use and employ steamboats and other vessels for the transportation of passengers and merchandise upon the rivers Schuylkill and Delaware, at, to and from the city of Philadelphia.	Philadelphia city, Pennsylvania.
The Scotia Building and Loan Association.	Loaning money to its shareholders, on approved security being given for the repayment thereof in monthly portions, with interest and premiums thereon.	Philadelphia city & county, Pennsylvania.
The Bridgeport Hall and Market House Company.	Erecting and maintaining a suitable building or buildings for a town hall and market house, for the convenience and advantage of the citizens of Bridgeport and others.	Bridgeport boro., Montgomery county, Penna.
The Lehigh Valley Emery Wheel Company.	To manufacture emery wheels and artificial stones of all kinds, and machinery and fixtures of various descriptions for the purpose of mounting the same for use.	Weissport borough, Carbon county, Penna.
The Wilkes Barre Steamboat Company.	Conveying passengers, and the transportation of goods, wares and merchandise by means of steam navigation.	Wilkes Barre city, Pennsylvania.
The Philadelphia Silk Manufacturing Company.	The manufacturing and selling of narrow goods of silk, cotton, wool and other textile fabrics, and of enjoying all the rights and privileges conferred by the laws of this commonwealth.	Philadelphia city, Pennsylvania.

## CERTIFICATE.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH, }  
HARRISBURG, *July 14, 1874.* }

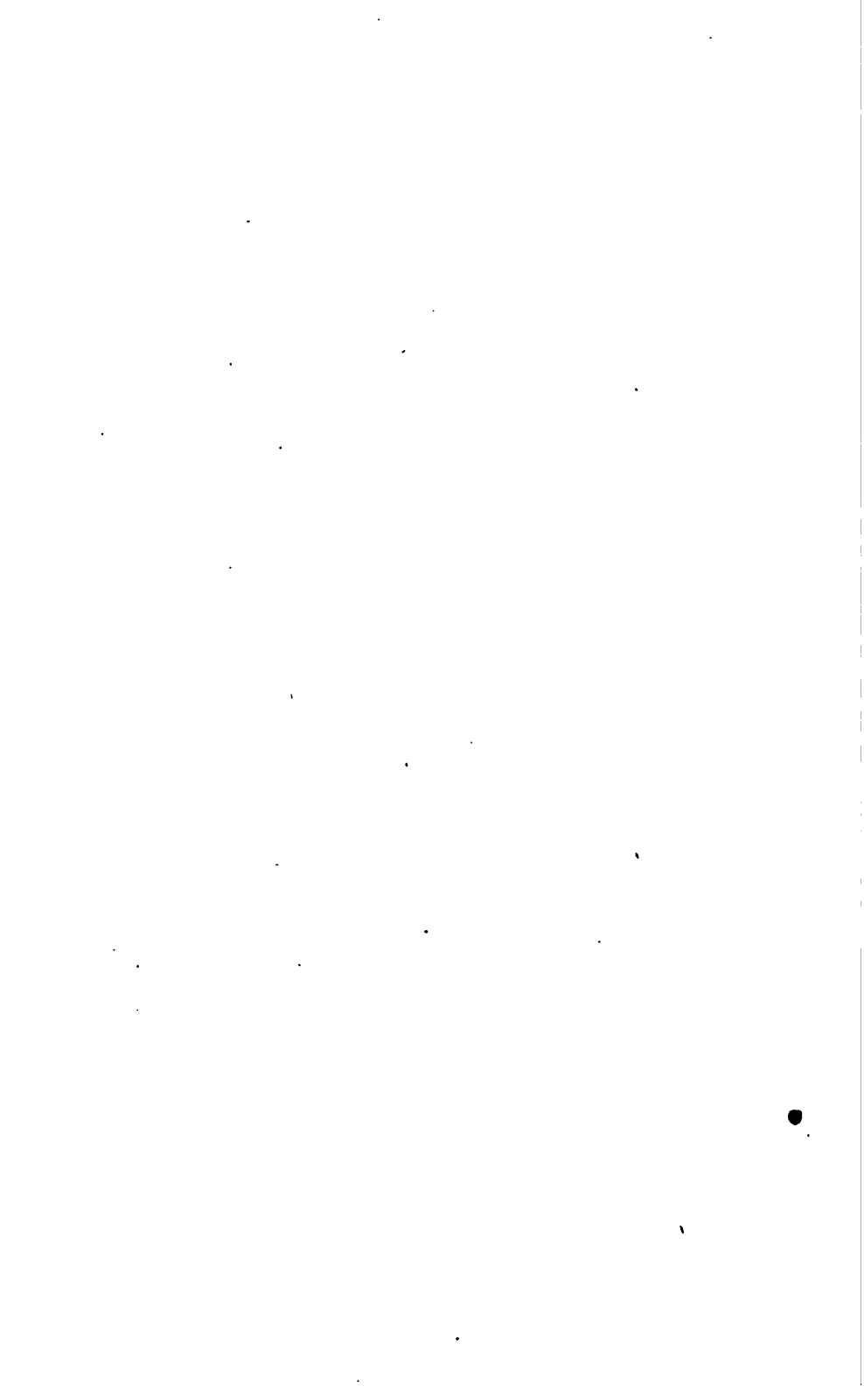
I DO HEREBY CERTIFY, that the foregoing, as contained on pages 509 and 510, is a full, true and correct list of all charters of corporations created and organized under the provisions of an act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An Act to provide for the incorporation and regulation of certain corporations," approved April 29, A. D. 1874, enrolled in this office between the date of approval of said act and the 14th day of July, A. D. 1874.

M. S. QUAY,  
*Secretary of the Commonwealth.*

# INDEX

TO CHARTERS OF CORPORATIONS CREATED AND ORGANIZED UNDER  
ACT OF APRIL 29, 1874.

	PAGE.
Annunciation Building and Loan Association .....	509
Bridgeport Hall and Market House Company .....	510
Building and Loan Association of Lock Haven, Pa.....	509
East Penn Iron Company.....	509
Fairmount Steamboat Company .....	510
Lehigh Valley Emery Wheel Company .....	510
Manheim Ore Bank and Manufacturing Company.....	509
Model Building and Loan Association of Philadelphia.....	509
Mutual Life and Accident Insurance Company of Pennsylvania.....	509
North Star Building Association.....	509
Passenger Fare Enumerator and Classifier Company.....	509
Philadelphia Co-operative Saw and Tool Manufacturing Company .....	509
Philadelphia Silk Manufacturing Company .....	510
Point Pleasant Building and Loan Association .....	509
Scotia Building and Loan Association .....	510
Shackamaxon Land Company .....	509
St. Agatha's Building and Loan Association.....	509
Washington Building and Loan Association.....	509
Wilkes Barre Steamboat Company .....	510
Windmill Island Ferry Company.....	509



# INDEX TO LAWS.

## A.

	Page.
ACADEMIES—Exemption of, from taxation .....	158
Chambersburg, supplement .....	454
Accounts of boroughs and townships, relative to settlement and publication of,	112
county officers, act relating to.....	175
in separate orphans' courts, to be audited by such courts .....	16, 207
Acknowledgments, defective, to cure .....	222, 229
of instruments for transferring personal estate of married women, relative to.....	158
Actions against non-resident debtors, commencement of, by attachment ....	123
<i>ex delicto</i> , writ of foreign attachment applicable to.....	183
for damages for personal injuries, provisions in constitution relative to.....	9
may be brought against state .....	4
Acts of assembly, local or special, notice of intention to apply for, to be published .....	8, 43
provisions of constitution relative to passage, &c., of..	7, 8, 9, 10, 12
Adams county, supervisors of Cumberland township authorized to levy special tax .....	470
Adjutant general, salary and expenses of office of.....	150, 151, 153
Adoption of children, no special act to authorize.....	7
John M'Murtrie, Jr., by Angeline M'Murtrie, authorized.....	335
Advertising for state, to regulate manner of, and the issuing of warrants therefor .....	300
mercantile appraisers' list, Philadelphia city and county, relative to.....	407
new constitution, for payment of expenses of.....	48, 275
Affidavits of defence—Act relating to.....	64
Rule of reference not to prevent court from entering judgment for want of sufficient.....	159
Agricultural societies—For incorporation of.....	73
State, for publication of ninth volume of transactions of.....	114
Aldermen—Election of.....	14, 248
Governor authorized to fill vacancies in office of.....	118
Ineligible as prison inspectors.....	187
Office of, abolished in Philadelphia.....	15
Special legislation regulating fees, or extending powers and duties of, forbidden.....	8
Allegheny county, repeal of act for preservation of good order in offices of.....	455
Pittsburg city, to authorize governor to commission and to legalize election of certain.....	441

	Page.
Allegheny city—Board of health, erected.....	365
Consolidation of, with Pittsburg city, relative to.....	477
Sale of berries and small fruit, regulated.....	403
Willis street, relative to opening and collection of cost of grading.....	405
Allegheny county society for alleviating miseries of public prisons, appropriation to.....	142
Allegheny county—Aldermen and justices of the peace, repeal of act for preservation of good order in offices of.....	455
Courts, constitutional provisions relating to.....	14, 27, 28
district, to authorize an additional judge for.....	399
orphans', made a separate court of record.....	206
Inspector of steam engines and steam boilers, for appointment of.....	410
M'Keesport borough, supplement.....	379
Streets in town of Port Perry, repeal of act to vacate parts of certain.....	296
Alleys—Special acts relating to, not to be passed.....	7
Erie city, act relating to.....	397
Amendments to constitution, article in constitution on future.....	25
to create commission to prepare.....	157
American Immigration and Land Company, incorporated.....	328
Animals, to incorporate a company for prevention of cruelty to, in York county.....	400
Annuities to soldiers and soldiers' widows—See Soldiers and Appropriations.	
Anthracite Hospital of Pennsylvania, to aid in erection and maintenance of.....	219
Anthracite Region Printing Company, incorporated.....	317
Appeals from assessments of damages to property taken for public use, relative to.....	23, 283
decrees in equity, to regulate damages pending, and costs accruing thereon.....	227
summary conviction, authorized.....	15
limitation of time for taking, to supreme court.....	50
supreme court to have jurisdiction of.....	13
Apportionment of state into senatorial and representative districts, relative to.....	6, 7, 197
Appropriations—Constitutional provisions relating to.....	9, 21, 22
General act.....	168
Allegheny County Society for alleviating miseries of public prisons.....	142
Armory rent of companies of National Guard.....	144
Artillery companies, expenses of.....	143
Blind, institution for instruction of.....	111
Board of Public Charities, expenses of.....	59
Canvassers appointed by commissioners of election in Philadelphia city.....	115
Centennial exposition building, how to be paid.....	148
Central Normal School Association of the State of Pennsylvania.....	307, 431
Chaplains, Senate and House of Representatives ..	170
Clerk hire in departments.....	168, 194
Clock on capitol, for winding and oiling.....	169
Committee to investigate authorship of certain documents sent to banks, expenses of.....	314

	Page.
<b>Appropriations—Deaf and dumb, institution for.....</b>	111
Department expenses.....	168, 184
Department reports, for distribution of.....	171
Dougherty, Mary.....	293
Executive department, furniture and repairs at.....	171
mansion, for re-fitting.....	169
for repairs and improvements at.....	169
Feeble-minded children, school for.....	112
Fire companies, Harrisburg.....	170
Fish, for propagation of, and construction of fish-ways. ....	149
Fix, Henry.....	291
Fuel for departments.....	171
Geological survey of state.....	164
German Hospital of Philadelphia.....	217
Hamilton, Catharine.....	305
Heating apparatus in new addition to executive department,	169
Home for deaf mutes, at Pittsburg.....	53
Industrial, for blind women, at Philadelphia.....	52
Northern, for friendless children.....	60
State School, for colored soldiers' orphans, at Bridge-	
water, Bucks county.....	273
Hooton, R. M.....	292
Hospital, Anthracite, of Pennsylvania, to aid in erection of,	219.
for insane, at Danville.....	50
Harrisburg.....	114
Warren.....	117, 334
Western Pennsylvania.....	53
Lackawanna, at Scranton.....	133
Wilkes Barre city.....	134
House of Refuge, at Philadelphia.....	52
Indexing journals of legislature.....	171
Interest on Chambersburg certificates.....	170
Interest on state debt.....	170
Judiciary.....	170
Laws and journals, distribution of.....	171
Legislative Journal, for distributing.....	170
to publishers of.....	169
Legislature, expenses of.....	170
for enlarging and re-fitting halls.....	171
Librarians, Senate and House of Representatives.....	170
Mechanics' High School of Pennsylvania.....	393
Minutes of board of war and other papers, compilation of..	171
Miscellaneous expenses in offices of resident clerk of House	
of Representatives and clerk of Senate.....	170
Officers of state, salaries of.....	168, 183
Penitentiaries.....	49, 113
Pennsylvania Reform School.....	53
Pensions and gratuities.....	139
Philadelphia Society for alleviating miseries of public	
prisons.....	63
Portrait of governor, for painting.....	312

	Page.
Appropriations—Public buildings and grounds, expenses incurred by late superintendent of.....	168
repairs and improvements to.....	169
water and gas for.....	169
Public printing .....	169
Purdon's Digest, to pay for copies of, furnished members of House of Representatives.....	176
Riot at Susquehanna depot, for payment of expenses incident to calling out National Guard to suppress .....	147
Schools, common and normal.....	168, 155, 307, 308, 431
Secretary of the commonwealth, for services in connection with adoption of new constitution .....	171
furniture and repairs at office of.....	171
Sheltering Arms, Allegheny county, for completion of building of.....	51
Soldiers' and sailors' orphans, for education and maintenance of, and expenses of department for.....	183, 273
Soldiers' orphan school, at Cassville, for payment of expenses attending investigation of management of.....	314, 315
State treasury, for alterations to .....	169
Stationery for departments .....	171
Stewart, Henry.....	292
Stock, Rebecca.....	295
Surveyor general's office, for repairs to.....	171
Susquehanna river, for improvement of, between certain points .....	276
Thompson, Hannah.....	306
Troxell, Abraham.....	292
Wickley, Mary.....	306
Writ ordering special election to fill vacancy in Wayne and Pike representative district, for payment of expenses of serving.....	315
Arbitrations, compulsory, act relating to.....	150
see also Reference of issues of fact.	
Archives, publication of certain, remaining in office of secretary of commonwealth, and appropriation therefor .....	137, 171
Arms, right of citizens to bear .....	1
Armstrong county—Lateral railroads, relative to.....	417
Local lien laws repealed, except as to claims for labor done, State road in Indiana county and, to lay out.....	418
Army, standing, not to be kept in time of peace.....	
Arrest, privileges of members of legislature, and of electors and election officers from .....	6, 18, 20
Arsenal, state, expenses at, and salary of keeper.....	151
relative to erection of new, and abandonment of old.....	150
Assessments, South Bethlehem borough, Northampton county, relative to..	47
Assessors—Boards of revision in cities authorized to appoint additional.....	170
Duties, powers, &c., of, in reference to registry of electors, 31, 32, 33, 39, 40, 41	
Election of .....	170
Attachment, foreign, writ of, applicable to actions <i>ex delicto</i> .....	180
issue of, against non-resident debtors.....	180
of merchandise in hands of bailees, relative to.....	180

	Page.
Attainder, effect of.....	4
Attorney general—Appointment of.....	11
Clerk hire and expenses of office of.....	151, 153
Salary of.....	150
To be member of board of pardons.....	11
To settle claims for work done and material furnished constitutional convention.....	176
Attorneys, ineligible as prison inspectors.....	187
Auctioneers—To regulate license fee to be paid by.....	332
supplement.....	283
Hazleton borough, Luzerne county, supplement to act authorizing governor to appoint.....	422
Auditor general—Claims for work done and material furnished constitutional convention, to settle.....	176
of Benjamin Singerly, state printer, to settle.....	290
of Captain Richard Budd, to settle.....	304
of J. G. White, superintendent of soldiers' orphan school, at Mercer, to settle.....	308
Clerk hire and expenses of office of.....	151, 152
Election and term of.....	13
Salary of.....	150
Vacancy in office of, how filled.....	11
Auditors—Borough and township, duties of, in reference to settlement of accounts and publishing statement of receipts and expenditures, County, election and term of.....	112
When separate orphans' courts may appoint.....	22
When separate orphans' courts may appoint.....	16
Avenue—Delaware, Philadelphia city, supplement to act authorizing Pennsylvania Railroad Company to occupy portions of.....	415
Girard, Philadelphia city, for opening of, through Girard college grounds.....	429
Juniata, Philadelphia city, to reduce width of.....	453, 470
Second, Pittsburg city, repeal of portion of act for improvement of.....	293
South College, Philadelphia city, for vacation of.....	429

B.

BAIL, not to be excessive, and prisoners to be bailable.....	4
Bailees, relative to attachment and removal by legal process of merchandise in hands of.....	285
Banks—Constitutional provisions concerning.....	23
Liabilities of stockholders of, fixed.....	135
Married women and minors to control their deposits in.....	193
Bridesburg, at Philadelphia, incorporated.....	321
supplement.....	444
Indiana County Deposit, incorporated.....	437
Germania, at Philadelphia, incorporated.....	325
Jonestown, incorporated.....	371
Mifflinburg, incorporated.....	342
Saint Clair, of city of Pittsburg, incorporated.....	451
Wylie Avenue Savings, of Pittsburg, incorporated.....	471
Beaver county, repeal of acts authorizing school directors of North Sewickley township to levy bounty tax.....	294



	Page
Bedford county, repeal of act prohibiting cattle, horses, &c., from running at large in certain townships.....	24
Belle Vernon Mutual Building and Loan Association, authorized to make and secure loans in Westmoreland and Washington counties.....	34
Beneficial societies, for incorporation of.....	75
Benevolent associations and institutions—Exemption of property of, from taxation.....	15
For incorporation of.....	75
Berks county, supplement to act for better protection of game.....	39
Berries, sale of, regulated in Pittsburg and Allegheny markets.....	46
Bills—Number of copies of, to be printed for legislature, and rates for printing same, increased.....	274
See also Acts of Assembly.	
Birds, insectivorous, for better protection of, in Lebanon county.....	39
Blind, appropriations to institution for instruction of.....	111
Board of health, councils of certain cities may create.....	257
for Allegheny city, erected, and powers of, prescribed.....	365
pardons, established.....	11
salaries of recorder, clerk and members of.....	151
Public Charities, appropriations for expenses of.....	59
supplement to act to create.....	119
revision, in cities, authorized to appoint additional assessors.....	276
Philadelphia city, to make report to secretary of internal affairs.....	193
trusts, &c., relative to appointment of officers of, by courts.....	225
Boarding-house companies, for incorporation of.....	73
Boilers, steam, for appointment of inspector of, in Allegheny county.....	410
Bonds, Erie city authorized to issue.....	398
see also Debts and Loans.	
Bonus to State on capital stock of corporations, amount of, and how payable,	62, 107
Boroughs—Annexation of, to adjacent cities, relative to.....	279
Cemeteries and burial grounds in, relative to.....	28
Compensation of commissioners appointed to divide, into wards,	13
Constitutional provisions concerning debts of.....	21
Contracts with railroad companies, authorized to make certain..	282
Duties of auditors of.....	112
Extension of limits of, in certain cases, relative to.....	25
• Increase and redemption of indebtedness of, relative to.....	65
Manner by which courts may divide, into wards, prescribed.....	159
Not to become stockholders in corporations, or appropriate money for or loan credit to same.....	21
Special legislation regulating affairs of, erecting new, &c., forbidden.....	7
Butler, Butler county, extension of northern line of.....	390
Ebensburg, Cambria county, burgess and council authorized to sell certain real estate.....	422
Hazleton, Luzerne county, supplement to act authorizing governor to appoint auctioneer for.....	422
Jamestown, Mercer county, supplement.....	401
LeRaysville, Bradford county, repeal of certain provisions relative to payment of school taxes.....	404
M'Keesport, Allegheny county, supplement.....	379
Pittston, Luzerne county, to regulate election of town council, and confer additional powers on same.....	406

	Page.
Boroughs—Quakertown, Bucks county, to provide for repair of side-walks, and regulate election of councilmen.....	409
South Bethlehem, Northampton county, relative to assessments in .....	427
Sunbury, Northumberland county, supplement to act authorizing town council to borrow money .....	440
Susquehanna Depot, Susquehanna county, divided into two wards, and elections therein provided for.....	433
West Pittston, Luzerne county, time to levy and collect additional borough tax, extended .....	402
Youngsville, Warren county, repeal of act requiring, to maintain a certain side-walk.....	302
Bounty tax—See Tax.	
Bradford county, repeal of certain provisions relative to payment of school taxes in LeRaysville borough and Pike township .....	404
Bribery of and by legislators or public officers, and in elections, relative to, 10, 18, 115 members of councils of cities, how punished.....	233, 496
Bridesburg Bank, incorporated .....	321
supplement.....	444
Bridge companies—For incorporation of.....	73
Special acts for incorporation of, limited .....	7
Renovo, incorporated.....	349
Treaty Island Railroad and, incorporated .....	468
Bridge viewers, compensation of, fixed .....	138
Bridges—Assessment of damages arising from construction of, relative to... 164	
County, railroad companies may contract for use, &c., of.....	185
Special legislation concerning, limited .....	7
Lehigh Iron Company authorized to build.....	361
North Lebanon township, Lebanon county, relieved from maintaining certain .....	460
Pittsburg city authorized to purchase and build.....	362
Susquehanna Coal Company authorized to build.....	421
Bucks county, to provide for repair of side-walks, and regulate election of councilmen, in Quakertown borough.....	409
Budd, Captain Richard, for relief of.....	304
Building and loan associations—For incorporation of.....	73
Belle Vernon Mutual, authorized to make and secure loans in Westmoreland and Washington counties.....	354
Loan and Homestead Association, Penn Avenue, relative to power of, to purchase real estate .....	389
Bureau of statistics—Clerk hire and expenses of.....	152, 153
Printing of report of commissioner of, provided for....	274
Salary of commissioner.....	150
Secretary of internal affairs may appoint chief of, with approval of governor.....	137
Burial grounds, exemption of, from taxation.....	19, 158
in incorporated boroughs, relative to.....	208
special legislation, relative to, forbidden.....	7
Yankee Hill, Crawford county, to vest title of, in Cambridge Cemetery Association....	462
Butler county—Butler borough, extension of northern line of.....	390
Local lien laws repealed, except as to claims for labor done..	300

## C.

	Page.
CAMBRIA COUNTY, to authorize burgess and council of Ebensburg borough to sell certain real estate.....	422
Canals, article in constitution on.....	24
Canal companies—Officers, &c., of, not to be interested in contracts for supplies, nor engaged in transporting over company's works, .....	175
State tax on stock of.....	70
To enable, to accept seventeenth article of constitution...	275
To keep offices in state for transaction of business .....	289
To make reports to secretary of internal affairs .....	193
Canvassers appointed by commissioners of election in Philadelphia city, for payment of.....	115
Capitol of state, location of, not to be changed unless authorized by vote of electors.....	10
Capitol building, relative to enlargement of.....	171
Carlisle barracks, resolution requesting United States government to donate, to use of soldiers' orphans' schools.....	314
Carrying companies, not to engage in other business, or hold or acquire lands not necessary for their business.....	24
Cattle, repeal of act prohibiting, from running at large in certain townships, Bedford county.....	294
Cemeteries, exemption of, from taxation .....	19, 158
for incorporation of companies to maintain.....	73
incorporated companies not organized for corporate profit, authorized to hold property in trust for certain purposes.....	165
in incorporated boroughs, relative to .....	208
special legislation relating to, forbidden.....	7
Centennial exposition building, supplement to act to provide for erection of, .....	148
Central Normal School Association of State of Pennsylvania, supplements to act to aid .....	307, 431
Certificates of loan to citizens of Chambersburg and vicinity, for war damages, appropriation for payment of interest on.....	170
Certiorari, limitation of time for taking writs of .....	50
jurisdiction of supreme court and common pleas in .....	13, 14
Chambersburg Academy, supplement.....	454
Chancery powers of courts.....	13, 15
Chaplains, Senate and House of Representatives, appropriations for.....	170
Charitable associations and institutions—Exemption of property of, from taxation.....	158
For incorporation of.....	73
Charities—Appropriations for expenses of board of.....	59
Collection of contributions for, authorized .....	194
Supplement to act to create board of .....	119
Charters of incorporation—See Corporations.	
Chester Gas Company, authorized to increase its capital stock .....	465
Children, act to prevent traffic in.....	179
Church Building Society of East Pennsylvania Conference of Evangelical Association of North America, incorporated.....	461
Churches—Exemption of, from taxation.....	19, 158
Fairview township, York county, trustees appointed to sell certain, and erect another.....	423
Cities—Act dividing, into three classes, regulating passage of ordinances, &c., .....	230
Annexation of adjacent property to, relative to.....	236, 279

	Page.
<b>Cities</b> —Article in constitution on.....	22
Boards of revision in, authorized to appoint additional assessors.....	276
Contracts with railroad companies, authorized to make certain.....	282
Councils of certain, empowered to re-organize municipal departments,	218
Debt of, constitutional provisions concerning.....	20
relative to increase and redemption of.....	65, 234, 270
Mayor, office of, made a salaried one.....	277
No special legislation for.....	7
Not to be stockholders in corporations, or appropriate money for or loan credit to same.....	20
<b>Civil cases</b> , for submission of, to decision of court or referee learned in the law.....	109, 166
<b>Claims</b> for work done and materials furnished for constitutional convention, to authorize settlement of.....	176
of Benjamin Singerly, state printer, relative to settlement of.....	290
of Captain Richard Budd, relative to settlement of.....	304
of J. G. White, superintendent of a soldiers' orphan school, relative to settlement of.....	308
<b>Clarion county</b> —Local lien laws repealed, except as to claims for labor done, Provisions relative to notice of intention to claim liens on leasehold estates and property thereon, repealed.....	300 386
<b>Clearfield county</b> , Montgomery creek and branches declared public highways,	299
<b>Clerks</b> —Departments, appropriations for salaries of.....	168, 184
to fix number and compensation of.....	150
Legislature, number, duties and compensation of, fixed.....	129
Orphans' and other courts, election, term, &c., of.....	22
relative to vacancies in office of.....	43
state tax on emoluments of office of.....	125
to make quarterly returns and payments of state tax on process, &c.....	175
courts, register of wills to be, and may appoint assistants,	16, 207
<b>Clinton county</b> , county treasurers to credit predecessors with balances due for military orders paid by them.....	393
<b>Clock</b> on capitol, appropriation for winding and oiling.....	169
<b>Clubs</b> —For incorporation of.....	73
Knights, of the city of Philadelphia, incorporated.....	387
<b>Coal</b> , anthracite, to provide right of way under rivers for purpose of mining, State tax on franchises of companies possessing right to mine, or pur- chase and sell.....	286 71
<b>Coal Company</b> —Blair Iron and, act relating to.....	337
authorized to take conveyance of land from Cambria Iron company.....	354
Freeport and Shenango Valley Railroad and, supplement...	402
Nescopee, to extend charter of.....	469
Susquehanna, authorized to hold additional lands and erect toll-bridge.....	421
Tylersburg Railroad and, incorporated.....	829
West Penn, incorporated.....	340
<b>Coal Exchange Company</b> , Pittsburg, additional powers conferred on.....	375
<b>Coal mines</b> , bituminous, for appointment of commissioners to investigate condition of.....	311
<b>Coat of arms</b> of state, to correct, and have same recorded in state archives...	312
<b>Cochran</b> , Mary Louisa and husband, divorced.....	361
<b>Codorus river</b> , York county, supplement to act declaring, a public highway..	396

	Page.
Colleges, exemption of, from taxation .....	158
Commissioners, county, authorized to contract with railroad companies for use, &c., of county bridges.....	185
authorized to sell lands reserved for public buildings when not needed therefor .....	154
election and term of.....	22
ineligible to certain offices.....	187
to make report to secretary of internal affairs.....	193
for erection of public buildings in Philadelphia city, authorized to change tracks of West Philadelphia Passenger Railway Company.....	457
for grading and paving certain streets, Pittsburg city, election of, legalized.....	476
park, Philadelphia city, authorized to exclude property from park.....	476
sinking fund, supplement to acts relating to.....	126
to conduct geological survey of state, for appointment of....	162
to inquire into condition of criminal insane, for appointment of,	313
to investigate condition of bituminous coal mines, for appointment of.....	311
to revise constitution, for appointment of.....	157
to run township lines and divide boroughs into wards, compensation of, fixed.....	138
to select site and erect additional hospital for insane, for appointment of.....	333
Commissions, how to be issued .....	13
Committees of legislature, to pay expenses of certain.....	314, 315
of lunatics, interested parties not to be witnesses in actions by or against, except in certain cases.....	279
Common schools—See Schools.	
Cone, A. P., deceased, administrator of estate of, authorized to borrow money,	360
Congress, members of, ineligible to legislature or certain offices.....	5, 186, 188
Conscience, rights of, to be sacred .....	1
Constables, special legislation regulating fees, or extending powers and duties of, forbidden .....	8
Constitution of state.....	3
for payment of expenses of advertising .....	48, 275
resolution to publish.....	312
to create commission to prepare amendments to.....	157
to enable railroad and canal companies to accept seven-teenth article of.....	275
Constitutional convention, settlement of claims for work done and materials furnished for, authorized .....	176
Contempt, repeal of act empowering justices of peace and aldermen, in Allegheny county, to commit for.....	475
Continental Passenger Railway Company of Philadelphia, incorporated ....	434
Contested elections—See Elections.	
Contract Company, Overland, supplement .....	430
Contracts for reporting and printing Legislative Record, to carry out provisions of constitution relative to.....	177
for supplies, &c., for city governments, relative to.....	233, 234, 497
for supplies for legislature and departments, relative to.....	8, 45
for supplies for maintenance of poor, or improvement of property, poor directors not to be interested in.....	180
for supplies for railroad and canal companies, officers, &c., not to be interested in .....	178

	Page.
Contracts, no law to be passed impairing obligation of.....	4
Controllers, election, &c., of, in certain cities .....	251
Convicts—See Prisoners.	
Coroners, election, term, &c., of.....	22
Corporations— Acts done by certain, before recording of their charters, validated.....	51
Appointment of officers of, by courts, relative to .....	228
Article in constitution on .....	22
Bonded indebtedness, authorized to increase security of .....	186
Creation, &c., of, by special acts, prohibited .....	8
Dissolved, to enable officers of, to convey real estate .....	110
Foreign, prohibited from doing business in state without offices and agents therein .....	108
Forfeiture of charters or grants of special or exclusive privileges to certain, relative to.....	188
Incorporation and regulation of, to provide for .....	73
Increase of capital stock and indebtedness of, relative to ....	61
Letters patent to, to authorize issuing of .....	186
Married women authorized to sell and transfer stock of .....	49
Mining and other, enabled to wind up their affairs after expiration of their charters .....	278
Obligations of, to state, not to be released, &c.....	9
Power to tax, not to be surrendered .....	19
Reports to secretary of internal affairs, required to make ....	136, 193
Secretary of commonwealth to publish list of charters of, with pamphlet laws.....	107
Service of process on stockholders of, in certain actions, relative to.....	146
Taxation of, relative to.....	68
Transfer of stock and loans of, relative to .....	222
Validity of charters of certain, relative to .....	133
Costs accruing on writs of error and appeals, to regulate, in certain cases....	227
in cases of felony, relative to payment of.....	132
Cottage Company, Mechanics' Mutual, supplement.....	353
Councilmen, ineligible to certain offices.....	187, 188
Counties— Article in constitution on new.....	21
Constitutional provisions concerning debts of.....	20
Contracts with railroad companies, authorized to make certain...	282
Increase and redemption of indebtedness of, relative to.....	65
Not to become stockholders in corporations, or appropriate money for or loan credit to same.....	20
Special legislation regulating affairs of, erecting new, &c., forbidden.....	7
See also the respective counties.	
Court houses, exemption of, from taxation.....	158
Courts—Abolishment of certain, and transfer of business and records of the same.....	15, 16, 26, 139
All, to be free .....	4
Appointment of officers of corporations and public boards by, relative to.....	228
stenographers for, authorized.....	182
Clerks of—See Clerks.	
Common pleas, districts organized for, not to contain more than four counties .....	13

	Page.
Courts—Common pleas, in Philadelphia and Allegheny counties, relative to,	14
jurisdiction of .....	14, 15
to provide for holding special .....	196
Defendants in contested judgments enabled to pay money into .....	331
District, Allegheny county, to authorize an additional judge for.....	399
Establishment or creation of certain, prohibited.....	15, 16
Judges of—See Judges.	
Judicial power vested in certain .....	13
Leasing and combination of lands for mining purposes, authorized to decree.....	277
Magistrates, Philadelphia city, establishment of, &c.....	15, 224
Orphans, organization, powers, &c., of.....	15, 16, 206
power of, to decree sale of real estate of decedent, enlarged,	166
to audit all accounts therein, when a separate court.....	16, 207
Oyer and terminer, judges of common pleas to hold.....	14
judges of supreme court to be justices of.....	13
Quarter sessions, how boroughs may be divided into wards by.....	159
to be held by judges of common pleas .....	14
Luzerne county, authorized to appoint path-masters for Plains township.....	471
Repeal of acts creating certain .....	139
Supreme, how composed, and jurisdiction of.....	13
review of criminal cases in.....	16, 219
Terms of, to be fixed by judges.....	58
Titles to real estate sold or conveyed by trustees of married women without leave, authorized to confirm.....	131
Transfer of business and records of certain, abolished by constitution, relative to.....	139
Uniform laws for.....	16
Vacancies in, how filled.....	16
Crawford county, local lien laws repealed, except as to claims for labor done,	300
Creeks—See Rivers and Creeks.	
Criminal proceedings—Bribery of and by legislators or public officers, and in elections, constitutional provisions relating to .....	10, 18
members of councils of cities, how punished .....	233, 496
Corrupt solicitation of legislators and public officers, defined and punished .....	115
Custody of insane charged with and convicted or acquitted of crime, to provide for.....	160
Detectives, for appointment of, in the several counties of the state.....	218
Imprisonment of persons where sentences commuted by governor, to provide for.....	116
Informations, limited.....	4
Payment of costs in cases of felony, relative to .....	132
Prosecutions, how to be carried on and conclude.....	16
rights of defence and privileges in....	4
Punishment for delivering explosive material to transportation companies under deceptive invoice, &c.....	121
Punishment for hiring, &c., of minors as street musicians, or for any mendicant business.....	179

	Page.
<b>Criminal proceedings—</b> Punishment for transacting business for foreign corporations without provisions of certain act being complied with.....	108
Punishment for violating provisions of act relative to transportation by pipe lines and storage of petroleum.....	174
Punishment of officers, &c., of a railroad or canal company for being interested in contracts for supplies, or transporting over company's works.....	178
Punishment of railroad and other officials for issuing free passes.....	289
Punishment of poor directors for being interested in contracts for supplies for poor, or for improvement of property.....	180
Review of in supreme court.....	16, 219
Twice in jeopardy for same offence, prohibited.....	4
Witnesses, supplement to act to extend competency of persons to be.....	331

D.

<b>DAMAGES,</b> corporations to pay or secure, before taking property .....	23
no limitation of, for personal injuries, nor of time for bringing suits for same.....	9
pending a writ of error, to regulate.....	227
<b>Dauphin county,</b> portion of act for making a state road in Schuylkill county and, and the supplement thereto, repealed.....	306
<b>Deaf and dumb,</b> appropriations to institution for.....	111
<b>Deaths of testators and intestates,</b> for recording of, in office of register of wills,.....	194
<b>Debts against non-resident debtors,</b> to provide for collection of.....	123
of corporations, bonded, to authorize increase of security of.....	186
to provide for manner of increasing.....	61
of municipalities or incorporated districts, constitutional provisions relating to .....	20
increase and redemption of, 65, 234, 270.....	
state, appropriation for payment of interest on.....	170
constitutional provisions concerning .....	19, 20
redemption of .....	128
<b>Decedents estates,</b> act relating to.....	166
<b>Decoration day,</b> made a legal holiday.....	222
<b>Deeds,</b> to cure defective acknowledgments of.....	222, 229
<b>Deer,</b> running of, with dogs, allowed in certain counties.....	291, 299
<b>Defendants in contested judgments,</b> enabled to pay money into court and relieve real estate from lien.....	331
<b>Deputy,</b> all prothonotaries, clerks of courts, &c., to appoint.....	43
attorney general, salary of.....	150
mayor, Pittsburg city, office of, abolished.....	484
secretary of the commonwealth, authorized to administer oaths....	189
salary of.....	150
superintendents of public instruction, salaries of.....	152
<b>Descent,</b> law of, not to be changed by special act.....	8
<b>Detective, special,</b> to provide for appointment of, in the several counties of the state.....	218
<b>District attorneys—</b> Election, term, &c., of.....	22
Not eligible to any other office.....	187



District attorneys—Special detectives, authorized to appoint.....	215
Erie county, repeal of act requiring, to collect forfeited recognizances.....	298
Divorce—Granting of, by special act, prohibited.....	7
Cochran, Mary Louisa and Robert Smith.....	361
Herbert, Phebe Jane and Ralph E.....	408
Kirby, Joseph F. and Mary.....	362
Waddle, Brison W. and Kate.....	378
Dog tax—See Tax.	
Dougherty, Mary, for relief of.....	293
Dualin, relative to transportation of.....	121
Dueling, shall disqualify for office.....	21
Dynamite, relative to transportation of.....	121

## E.

ECLIPSE LUBRICATING OIL COMPANY of borough of Aladin, repeal of act to incorporate.....	371
Education, article in constitution on.....	21
Educational associations—Exemption of property of, from taxation.....	158
For incorporation of.....	73
Edwin Forrest Home, incorporated.....	350
Election districts—See Wards.	
Election expenses, to define, and authorize payment of.....	64
Elections—Article in constitution on.....	17
Auditor general.....	13
Contested, the several classes of, designated, and their trial pro- vided for.....	208
Councilmen, Pittston borough, Luzerne county, and Quaker- town borough, Bucks county, regulated.....	408, 409
County officers.....	22
Governor.....	10, 26
Judges.....	13, 15, 54, 206
Lieutenant Governor.....	11, 26, 48
Members of legislature.....	5, 26, 294
Secretary of internal affairs.....	13, 26, 135
Special legislation for opening, conducting, &c., forbidden.....	7
State treasurer.....	13
Supplement to act regulating.....	31
amended.....	44
To be free and equal.....	3
Emigration from state, not to be prohibited.....	5
Eminent domain, property of corporations subject to right of.....	23
Engines, steam, for appointment of inspector of, in Allegheny county.....	410
Entailments, act in reference to.....	221
Equity, jurisdiction of courts in.....	13, 15
Erie city—Alleys, act relating to.....	397
Bonds, authorized to issue.....	398
Erie county, repeal of act requiring district attorney to collect forfeited recog- nizances.....	298
Error—Damages pending writ of, and costs accruing thereon, regulated.....	227
Jurisdiction of supreme court in.....	13

	Page.
Error—Limitation of time for taking writs of.....	50
Writ of, allowed where judgment refused for insufficient affidavit of defence.....	64
Estates tail, relative to.....	221
Evidence, law of, not to be changed by special act.....	8
see also Witnesses.	
Execution, stay of, not allowed on judgments of one hundred dollars or less obtained in suits for wages.....	145
Executive, article in constitution on.....	10
Executive department—Appropriation for furniture and repairs at.....	171
Clerk hire and expenses of.....	151, 152
Executive mansion, appropriations for re-fitting, and for repairs and improvements at.....	169
Exemption, non-resident debtors not entitled to benefit of.....	124
of property from taxation, relative to.....	8, 19, 158
Explosive material, relative to transportation of.....	121
<i>Ex post facto</i> law, shall not be passed.....	4

F.

FEEBLE-MINDED CHILDREN, appropriation to school for.....	112
Fees, when to be paid into county treasury.....	15, 22
Felony, relative to payment of costs in cases of.....	132
Ferries and ferry companies, to be no special law relative to.....	7
establishment of certain, authorized.....	338, 378
for incorporation of companies to establish and maintain.....	73
Finance, article in constitution on.....	19
Fine arts, for incorporation of associations for promotion of.....	73
Fines and forfeitures, governor may remit.....	11
not to be excessive.....	4
collected by magistrates' courts, Philadelphia, to be paid into county treasury.....	15
Fire companies—For incorporation of.....	73
Harrisburg, appropriation for.....	170
Fish—For incorporation of companies for preservation of.....	73
For propagation of, and construction of fish-ways.....	149
To construe portion of act to amend and consolidate acts relating to..	180
Fish wardens, appointment and pay of, regulated.....	142
Fishing Creek Improvement Company, incorporated.....	448
Fix, Henry, supplement to act granting pension to.....	291
Foreign attachment, writ of, applicable to actions <i>ex delicto</i> .....	183
Foreign corporations, prohibited from doing business in state without offices and agents therein.....	108
Forest county, local lien laws repealed, except as to claims for labor done...	300
Forfeitures, governor may remit.....	11
how to be collected, in Erie county.....	298
to be none for suicide or death by casualty.....	4
Foxes, what required of persons claiming premiums for killing, in Huntingdon county.....	405
Freeport and Shenango Valley Railroad and Coal Company, supplement....	462
Fruit, sale of, regulated in Pittsburg and Allegheny makets.....	403

Fuel for departments of state government and legislature, relative to contracts for furnishing.....	8, 45
appropriation for.....	171
use of departments of city governments, to be furnished by contract with lowest bidder.....	233

## G.

GAME—For incorporation of companies for preservation of.....	73
Supplement to act to amend acts relating to.....	60
To construe portion of act to amend and consolidate acts relating to..	150
To repeal and amend portion of act to amend and consolidate acts relating to.....	154
Berks county, supplement to act for protection of.....	399
Lancaster county, repeal of act for protection of, in certain townships,	402
Lebanon county, for protection of.....	390
Lycoming county, running of deer with dogs, allowed.....	299
Union county, running of deer with dogs, allowed.....	291
York county, hunting for, without permission, prohibited.....	442
Gas companies—For incorporation of.....	73
Supplement to act of March 11, 1857, for incorporation of,...	188
Chester, authorized to increase its capital stock.....	465
Newtown, supplement.....	376
Gas-works, purchase, erection, &c., of, by certain cities.....	261
Geological survey of state, to provide for.....	162
German Hospital of Philadelphia, appropriation to.....	217
German Improvement Company, of Allegheny City, incorporated.....	335
Germania Bank, at Philadelphia, incorporated.....	325
Goats, repeal of act prohibiting, from running at large in certain townships, Bedford county.....	294
Governor—Appropriation for painting portrait of.....	312
Contested election of, how tried and determined.....	213
Election, powers, duties, &c., of.....	10, 11, 12
Salary of.....	150
Vacancy in office of, how filled.....	12
Grain elevator companies, for incorporation of.....	73
Granite Insurance Company, incorporated.....	316
Gratuities and pensions, appropriation for.....	139
see also Appropriations and Soldiers.	
Gun-cotton, relative to transportation of.....	121

## H.

HABEAS CORPUS, supreme court may issue.....	13
when only to be suspended.....	4
Habitual drunkenness, traverse of inquisitions of.....	122
Hall companies, for incorporation of.....	73
Hamilton, Samuel, supplement to act granting pension to.....	305
Harrisburg Odd Fellows' Life Insurance Company, incorporated.....	339
Trading Company, incorporated.....	358
Harrison, Jefferson, administrator, authorized to borrow money.....	360
Health—Board of, erected for city of Allegheny.....	365
Councils of certain cities may create boards of.....	257

	Page.
Heating apparatus in new addition to executive department, appropriation for.....	160
surveyor general's office, appropriation for repairs to..	171
Herbert,* Phebe Jane, and husband, divorced .....	468
Holiday, legal, decoration day to be .....	288
Home—Deaf Mutes, at Pittsburg, appropriation for.....	53
Edwin Forrest, incorporated .....	357
Industrial, for blind women, at Philadelphia, appropriation to.....	52
Northern, for friendless children, appropriation to.....	60
State School, for colored soldiers' orphans, at Bridgewater, Bucks county, appropriation for support of.....	273
Homicide, review in supreme court in cases of .....	16, 219
to provide for imprisonment where sentences for, commuted by governor .....	116
Hooton, R. M., for relief of .....	242
Hopper, John, trustee, to validate conveyance of land by .....	203
Horses, repeal of act prohibiting, from running at large in certain townships, Bedford county .....	234
Horticultural societies, for incorporation of.....	73
Hospitals—Act to provide for support of poor when under treatment in....	220
Collection of contributions or subscriptions for support of, authorized .....	144
Exemption of, from taxation .....	158
Anthracite, to aid in erection and maintenance of .....	219
German, of Philadelphia, appropriation to.....	217
Lackawanna, of city of Scranton, appropriation to .....	13
State lunatic, act to establish additional .....	333
at Danville, appropriations for .....	54
at Harrisburg, appropriations for .....	114
at Warren, appropriation for .....	117
Western Pennsylvania, appropriations for.....	53
Wilkesbarre City, appropriation to .....	134
Hotel companies, for incorporation of .....	7
House of Refuge, at Philadelphia, appropriation for .....	52
Hunting on another's land without permission, prohibited in York county..	44
Huntingdon county, what required of persons claiming premiums for killing foxes, wild cats and pole-cats .....	40
Huntingdon, Fulton and Franklin Railroad Company, supplement.....	34
Husband and wife, to cure defective acknowledgments of deeds by.....	222, 223
see also Married Women.	

I.

ICE COMPANIES, for incorporation of.....	73
Immigration and Land Company, American, incorporated.....	328
Impeachment and removal from office, article in constitution on.....	1
Improvement Company—Fishing Creek, incorporated .....	448
German, of Allegheny City, incorporated.....	39
Madison, supplement .....	44
Incompatible offices, relative to .....	21, 18
Independent Order of Odd Fellows' Mutual Life Insurance Society of Penn- sylvania, incorporated .....	417

	Page.
Indexing Daily Legislative Journal, appropriation for .....	169
journals of legislature, appropriation for .....	171
pamphlet laws, allowance for .....	152
Indiana County Deposit Bank, incorporated .....	437
to lay out State road in Armstrong county and .....	418
Indiana Normal School, to aid .....	308
Industrial Home for blind women, at Philadelphia, appropriation to .....	52
Inquisitions of lunacy and habitual drunkenness, traverse of .....	122
Insane—Appropriations to hospitals for .....	50, 53, 114, 117
Resolution providing for commission to inquire into condition of certain class of .....	313
To establish additional hospital for .....	333
To provide for custody of, when charged with and convicted or acquitted of crime .....	166
Transfer of, from county institutions to state hospitals, relative to ..	119
Insolvent debtors, non-imprisonment of .....	4
Inspections, state, abolished .....	10
Inspectors of corporations and public boards, relative to appointment of, by courts .....	228
of mines, printing of reports of, provided for .....	274
of oils and burning fluids, relative to appointment of, and their powers and duties .....	190, 191
of penitentiaries, to provide for appointment of .....	228
of prisons, authorized to furnish tobacco to convicts .....	278
of soldiers' and sailors' orphan schools, appropriations for salaries of .....	184
of steam engines and steam boilers, Allegheny county, for appointment of .....	410
Institutions—Educational, benevolent and charitable, exemption of property of, from taxation .....	158
Pennsylvania, for blind, appropriations to .....	111
for deaf and dumb, appropriations to .....	111
Insurance commissioner, printing of report of, provided for .....	274
Insurance companies—For incorporation of .....	73
Granite, incorporated .....	316
Harrisburg Odd Fellows' Life, incorporated .....	339
Independent Order of Odd Fellows' Mutual Life, of Pennsylvania, incorporated .....	417
National Mutual, supplement .....	420
Safety, of Philadelphia, incorporated .....	319
Interest, not to be regulated by special law .....	8
on balances due state from corporations .....	71
on Chambersburg certificates, appropriation for payment of .....	170
on state debt, appropriation for payment of .....	170
Investments in corporation bonds by fiduciaries, prohibited .....	9
Iron companies—For incorporation of .....	73
Blair Coal and, act relating to .....	337
authorized to take conveyance of land from Cambria Iron Company .....	354
Lehigh, authorized to build bridge and increase capital stock .....	361
Steuben, of Centre county, incorporated .....	323

## J.

	Page.
JACKSON, GEORGE, title of, to certain lands, validated.....	296
Jails, exemption of, from taxation.....	158
Jamestown borough, Mercer county, supplement.....	401
Jersey Shore, Pine Creek and Buffalo Railway Company, supplement.....	406
John Harris Publishing Company, incorporated.....	318
Johnstown and Somerset Railroad Company, supplement .....	337
Jonestown Bank, incorporated.....	371
Journals of legislature, appropriations for indexing and distributing .....	171
relative to contracts for distributing.....	8, 45
see also Legislative Journal.	.
Judgments, contested, defendants in, enabled to pay money into court and relieve real estate from lien of same.....	331
no stay of execution to be allowed on certain.....	145
rule of reference not to prevent court from entering, for want of sufficient affidavit of defence .....	169
Judges—Additional, for district court of Allegheny county, authorized.....	399
Appointment, election, &c., of, relative to.....	54, 206
Appropriations for salaries and mileage of.....	170
Associate, office of, abolished in counties forming separate districts, offices of justices of peace and, incompatible.....	13 187
Commencement of term of office of, fixed.....	118
Constitutional provisions concerning.....	13, 14, 15, 16, 26, 27
Contested elections of, how tried and determined .....	209
Judicial districts—Designation of.....	27, 54, 206
When a county to constitute separate .....	13
Judicial proceedings, limitation of special legislation relating to.....	6
Judiciary, article in constitution on .....	18
Jurors—Supplement to act for better and more impartial selection of.....	46
To validate action of officers selecting and drawing.....	122
See also Road Juries.	
Jury trial, may be dispensed with, by agreement.....	16, 109, 166
to remain inviolate.....	3
Justices of peace—Election of.....	14
Governor authorized to fill vacancies in office of.....	118
Office of, incompatible with certain other offices.....	187
Repeal of act for preservation of good order in offices of, in Allegheny county.....	455
Special legislation regulating fees, or extending powers and duties of, forbidden.....	8

## K.

KIRBY, JOSEPH F., and wife, divorced.....	362
Knights Club, of city of Philadelphia, incorporated.....	387

## L.

LABOR, special legislation regulating, forbidden.....	8
Lackawanna Hospital, of city of Scranton, appropriation to.....	186
Lancaster county, repeal of act for protection of rabbits and partridges in cer- tain townships.....	402

	Page.
Land Company—American Immigration and, incorporated.....	328
Somerset, supplement.....	362
Land warrants, relative to issuing of, for vacant lands.....	58
Landed Security Company, incorporated.....	465
Lands—See Real Estate.	
Lane, for vacation of certain, in Philadelphia city.....	455
Lateral railroads, Armstrong county, relative to.....	417
Lawrence county, to amend act to regulate medical practice in.....	405
Laws and journals, appropriation for distributing.....	171
relative to contracts for distributing.....	8, 45
limitation upon suspension of.....	4
see also Acts of Assembly.	
Lebanon county—Game and insectivorous birds, for better protection of....	399
North Lebanon township relieved from maintaining and keeping in repair a certain bridge.....	460
Legislation—Article in constitution on.....	7
Local or special, publication of applications for, regulated.....	43
Legislative Journal—Appropriation for forwarding bound copies of, to mem- bers of House of Representatives.....	170
Appropriation to publishers of.....	169
Legislative Record, to carry out provisions of constitution relative to con- tracts for reporting and printing.....	177
Legislature—Apportionment of state into districts for election of members of, relative to.....	6, 7, 197
Appropriation for expenses of.....	170
Article in constitution on.....	5
Bribery and corruption in, to be punished.....	10, 115
Compensation of members, and number, duties and compensa- tion of officers of, relative to.....	5, 8, 129
Contested elections of members, how tried and determined....	211
Contracts for supplies for, and for repairing and furnishing halls, to be given to lowest bidder.....	8, 45
Enlargement and re-fitting halls, relative to.....	171
Expenses incident to nomination and election of members of, defined.....	64
Members interested in any measure, not to vote.....	10
not to hold certain offices.....	187, 188
Legitimation of children, special acts authorizing, forbidden.....	7
Lehigh Avenue Railway Company of Philadelphia, incorporated.....	458
Lehigh Iron Company, authorized to build bridge and increase capital stock,	361
Letters patent to corporations, to authorize issuing of.....	186
Liability of sureties upon written instruments for payment of money, to de- fine.....	157
Libel, power of jury in prosecutions for.....	4
Librarians—Senate and House of Representatives, appropriations for.....	170
State, and assistant, salaries of.....	150
allowances for incidental expenses in office of.....	153
Library associations, for incorporation of.....	73
Liens for wages, supplement to act relative to securing.....	120
municipal, solicitors for certain cities to publish statement of.....	233
no special law to create or effect.....	7
of redemption money paid by lien creditor on lands sold for taxes, rela- tive to.....	192

	Page.
Liens on leasehold estates and property thereon, repeal of provisions relative to notice of intention to claim, in Clarion county.....	386
on real and leasehold estates, and property thereon, in certain counties, laws authorizing, repealed except as to claims for labor done...	300
Lieutenant governor—Election, qualifications, salary, &c., of.....	11, 48, 150
How contested elections of, tried and determined.....	213
To be member of board of pardons.....	11
Light-houses on rivers Delaware and Schuylkill, consent of state given to acquisition of lands by United States for erecting .....	145
Limitation in constitution on legislative power at special sessions.....	9
special legislation.....	7
no law shall make any, in certain actions.....	9
of writs of error, appeal and <i>certiorari</i> .....	50
Limited partnership associations, formation of, authorized .....	271
Linesville Police Company, incorporated .....	344
Literary associations, for incorporation of.....	73
Little Lehigh Railroad Company, incorporated.....	334
Loans—Act to facilitate transfer of.....	222
Philadelphia city, married women authorized to sell and transfer... relative to transfer of .....	49 195
Pittsburg city authorized to create certain.....	364
State, married women authorized to sell and transfer.....	49
purpose of, to be specified in laws authorizing, and to be used for such purpose only.....	20
relative to transfer of.....	195, 222
See also Debts.	
Loebhaugh Run Navigation and Public Road Company, incorporated.....	445
Lumber Company—National Mineralizing, incorporated.....	396
Williamsport, supplement.....	394
Lunatics—Competency of interested parties to be witnesses in actions by or against committees of, relative to .....	279
Traverse of inquisitions, relative to.....	122
Lutheran Observer Association of city of Philadelphia, supplement .....	356
Luzerne county—Covington township, supplement to act to divide, into two wards.....	377
Hazleton borough, supplement to act authorizing governor to appoint auctioneer for.....	422
Orphans' court, made a separate court of record.....	206
Pittston borough, to regulate election of town council, and confer additional powers on same.....	408
Plains township, court authorized to appoint path-masters for .....	471
West Pittston borough, time to levy and collect additional borough tax, extended.....	402
Lycoming county, running of deer with dogs, allowed.....	299

M.

MADISON IMPROVEMENT COMPANY, supplement.....	424
Magistrates, special legislation regulating fees, or extending powers and duties of, forbidden.....	8
Magistrates courts—See Courts.	
Mail Publishing Company of Allegheny County, incorporated .....	388
Mandamus, jurisdiction vested in supreme court in .....	13



	Page.
Manufacturing companies, enabled to wind up their affairs after expiration of their charters.....	278
for incorporation of.....	73
special legislation regulating, forbidden.....	8
Market companies, for incorporation of.....	73
Married women, authorized to transfer loans of state and Philadelphia city, and stock of corporations.....	40
courts authorized to confirm titles to real estate sold or conveyed by trustees of, without leave.....	131
relative to transfer of personal estate of.....	158
to control money deposited by them in banks.....	193
Mayor—Act making office of, a salaried one.....	277
Qualifications, elections, &c., of, in certain cities.....	247
M'Kean county—Commissioners appointed to lay out state road.....	456
Repeal of act to repeal road laws.....	298
M'Keesport borough, Allegheny county, supplement.....	379
M'Murtrie, Angeline, authorized to adopt John M'Murtrie, Jr., as her heir,	335
Mechanics' liens—See Liens.	
Mechanics' High School of Pennsylvania, to establish.....	390
Mechanics' Mutual Cottage Company, supplement.....	353
Mechanics' Safe Deposit, Trust and Guarantee Company, incorporated.....	323
Medical associations or societies, for incorporation of.....	73
Medical practice, Lawrence county, to amend act to regulate.....	405
Meetings, citizens to hold, freely.....	4
Mercantile appraisers' list, Philadelphia city and county, advertisement of..	407
Mercer county—Hickory township, repeal of act authorizing supervisors to levy additional taxes.....	297
Jamestown borough, supplement.....	401
Merchandise in store and in transit, supplement to act relating to.....	285
Mifflinburg Bank, incorporated.....	342
Military, to be subject to civil power.....	5
Militia—Article in constitution on.....	21
For payment of expenses incident to calling out, to suppress riot at Susquehanna Depot.....	147
Supplements to act for organization, discipline and regulation of... ..	143
Miller, Capt. John H., for relief of.....	303
Mining, special legislation regulating, forbidden.....	8
Mining companies, enabled to wind up their affairs after expiration of their charters.....	279
for incorporation of.....	73
Minors—Hiring, &c., of, as street musicians, or for any mendicant business, prohibited.....	179
Special legislation affecting estates of, forbidden.....	8
To control moneys deposited by them in banks.....	193
Minutes of board of war, and other historical papers, act providing for publication of.....	137
appropriation for expenses of editing and compiling.....	171
Miscellaneous expenses in offices of resident clerk of House of Representatives and clerk of Senate, appropriations for.....	170
Moneys of state, investment and use of.....	20, 128
monthly statements of, to be published.....	20, 127
profit not to be made on.....	20, 128

	Page.
Monroe county, repeal of act for protection of sheep and taxing of dogs in Hamilton township .....	296
Montgomery creek and branches, Clearfield county, declared public highways .....	299
Mortgages, coal lease, not to have preference of lien for wages .....	120
Mules, repeal of act prohibiting, from running at large in certain townships, Bedford county .....	294
Murder—See Homicide.	
Musical associations or societies, for incorporation of .....	73

N.

NAMES, to be no special legislation changing .....	7
National Guard—See Militia.	
National Mineralizing Lumber Company, incorporated .....	396
National Mutual Insurance Company, supplement .....	420
Navigation companies—To make report to secretary of internal affairs .....	193
Loeshbaugh Run Public Road and, incorporated .....	445
Youghiogheeny River, incorporated .....	355
Nescopec Coal Company, to extend charter of .....	469
New Castle Passenger Railway Company, supplement .....	344
Newtown Gas Light Company, supplement .....	376
Nitro-glycerine, relative to transportation of .....	121
Nominations for office, to define necessary and proper expenses incident to, .....	64
Normal School Association, Central, of State of Pennsylvania, supplements to act to aid. ....	807, 431
Normal school district, Eighth, to divide .....	120
Normal schools—See Schools.	
Northampton county, relative to assessments in South Bethlehem borough, .....	427
Northern Home for friendless children, appropriation to .....	66
Northumberland county, supplement to act authorizing town council of Sunbury borough to borrow money .....	440
North-Western State Normal School, at Edinboro', to provide for election of trustees for .....	442

O.

OATH OF OFFICE, article in constitution on .....	17
Oaths, secretary of commonwealth, and deputy, authorized to administer ...	139
Officers—City, councils authorized to modify powers and duties of .....	218
Contested elections of, how to be tried and determined .....	209, 212
Corporations and public boards, relative to appointment of, by courts .....	228
County, article in constitution on .....	21
relative to accounts of .....	175
Governor to appoint, to fill vacancies .....	118, 205
Legislature, number, duties and compensation of .....	8, 129
Oath to be taken by .....	17
Power of governor to appoint, with consent of senate .....	11
Powers and duties of certain, not to be prescribed by special act ...	7
Public, article in constitution on .....	21
corrupt solicitation of, defined and punished .....	115
no extension of official term of, or increase of compensation, ..	9
State, appropriation for salaries of .....	163
to fix salaries of .....	159

	Page.
Offices—Creation of, by special acts, forbidden .....	7
Expenses incident to nominations for, and elections to, defined .....	64
Forfeiture of, by reason of change of residence .....	157
Impeachment and removal from .....	16
Incompatible, relative to .....	21, 186, 497
State tax on certain .....	125
Tenure of, limited .....	5
O'Harra, Right Reverend William, authorized to sell certain real estate .....	357
Oil—For better security of life and property from dangers of .....	189
Transportation by pipe lines and storage of, relative to .....	172
Oil Company—Eclipse Lubricating, of borough of Aladin, to repeal act to incorporate .....	371
Orange, to validate conveyance of land by .....	296
Opera house companies, for incorporation of .....	73
Ordinances, city, passage, &c., of, regulated .....	230
Orphans' courts—See Courts.	
soldiers' and sailors', children of Holden L. Prosser, deceased, admitted to benefits of laws relative to .....	302
to provide for education and maintenance of, and expenses of department for .....	181, 183, 273
Overland Contract Company, supplement .....	430
Oyer and terminer, no commission of, to issue .....	4
see also Courts.	

## P.

PARDONS—Board of, established .....	11
Power of governor to grant .....	11
Salaries of recorder, clerk and members of board of .....	151
Park commissioners, Philadelphia city, authorized to exclude property from park .....	476
Parks, for incorporation of companies for maintenance of .....	73
Partition, supplement to act relative to suits in .....	156
Partnership associations, limited, formation of, authorized .....	271
Partridges—Protection of, in Berks and Lebanon counties .....	399
Repeal of act for protection of, in certain townships of Lancaster county .....	402
Passes, issue of free, by railroad and transportation companies, prohibited .....	25, 289
Patent Metal Company, incorporated .....	474
Patent rights, for incorporation of companies for purchasing, holding, &c. ....	73
Path-masters, court of quarter sessions, Luzerne county, authorized to appoint, for Plains township .....	471
Penitentiaries—Appropriations for .....	49, 113
To provide for appointment of inspectors of .....	228
Penn Avenue Building, Loan and Homestead Association, relative to power of, to purchase real estate .....	389
Penn Street Passenger Railway Company of city of Reading, incorporated ..	346
Pennsylvania Institution for blind, appropriations to .....	111
for deaf and dumb, appropriations to .....	111
Railroad Company, supplement to act authorizing, to occupy portions of Delaware avenue, in Philadelphia city .....	415
Reform school, appropriation for .....	53
Spring Car Seat Company, supplement .....	408

	Page.
Pennsylvania State Lunatic hospital, at Harrisburg, appropriations for.....	114
Training School for feeble-minded children, appropriation to,	112
Pensions and gratuities, appropriation for.....	139
see also Appropriations and Soldiers.	
Petition, right of.....	4
Petroleum—See Oil.	
Philadelphia—Alderman, office of, abolished.....	15
Avenue, Delaware, supplement to act authorizing Pennsylv-	
vania Railroad Company to occupy portions of ...	415
Girard, for opening of, through Girard college	
grounds.....	429
Juniata, to reduce width of.....	453, 470
South College, for vacation of.....	429
Bank, Bridesburg, incorporated.....	321
supplement.....	444
Germania, incorporated.....	325
Board of revision, to make report to secretary of internal	
affairs.....	193
Club, Knights, incorporated.....	387
Courts, constitutional provisions concerning.....	14, 15, 27, 28
magistrates', act relative to establishment and juris-	
diction of.....	224
orphans', made a separate court of record.....	206
Insurance Company, Granite, incorporated.....	316
Safety, incorporated.....	319
Landed Security Company, incorporated.....	465
Lane, Hart, for vacation of.....	455
Loans of, act relative to transfer of.....	195
married women authorized to sell and transfer.....	49
Lutheran Observer Association, supplement.....	356
Mercantile appraisers' list, advertisement of.....	407
Park commissioners, authorized to exclude property from	
park.....	476
Passenger Railway Company, Continental, incorporated.....	434
Frankford and Southwark, au-	
thorized to extend their road	
and connect with other tracks,	345
Lehigh Avenue, incorporated,	458
Union, supplement.....	444
West Philadelphia, commis-	
sioners for erection of public	
buildings authorized to	
change tracks of.....	457
Patent Metal Company, incorporated.....	474
Receiver of taxes, for extension of term of office of.....	432
Road juries, to limit time for report of, and repeal act relative	
to qualifications and powers of.....	407
Society for alleviating miseries of public prisons, appropria-	
tion to.....	63
Steamboat Company, Millville and, incorporated.....	393
Street, Twenty-second, for opening of, through Girard Col-	
lege grounds.....	429
Upland, directed to be placed on public plans of width	
of fifty feet between certain points.....	443
Treasurer, for extension of term of office of.....	432

	Page.
Phosphorus, relative to transportation of .....	121
Pike county, fifth section of general road law repealed as to certain road in town of Milford .....	421
Pipe lines, how business of transporting petroleum by, to be conducted ....	172
Pittsburg—Act to re-organize local government, extending boundaries, enlarging corporate powers, &c. ....	477
Alderman, First ward, governor to issue commission to, and election of, legalized .....	441
Avenue, Second, repeal of portion of act for improvement of. ....	293
Bank, St. Clair, incorporated. ....	451
Wylie Avenue Savings, incorporated .....	471
Bridges, authorized to purchase and build .....	362
Coal Exchange Company, additional powers conferred on .....	375
Sale of berries and small fruit, regulated .....	403
Streets, election of commissioners for grading and paving certain, legalized. ....	476
opening, grading, &c., of certain, authorized .....	475
Plank road companies, relative to forfeiture of charters or grants of special or exclusive privileges to .....	188
Plank roads, compensation for use of, by cities .....	267
Pole-cats, what required of persons claiming premiums for killing, in Huntingdon county .....	405
Police Company, Linesville, incorporated .....	344
Police justices, Pittsburg city, election, &c., of .....	453
Police officers, appointment, &c., of, in certain cities .....	247
Police power of state, no abridgement of, by corporations .....	23
Poor—Directors of, not to be interested in contracts for supplies, or for improvement of property .....	189
Overseers of, in Donegal township, Butler county, authorized to sell certain real estate .....	403
To provide for support and maintenance of, when under treatment in hospitals .....	220
Poor tax—See Tax.	
Portrait of governor, appropriation for painting .....	312
Potter county, First Fork of Sinnemahoming creek declared a public highway .....	299
Powder, relative to transportation of .....	121
Powder magazine, at Philadelphia, for abandonment and sale of .....	116
Presidential electors, how contested elections of, to be tried and determined, Press, freedom of .....	209
3	
Printing companies—See Publishing Company.	
Printing for city governments, to be done by contract with lowest bidder. ....	233
State—Appropriation for .....	169
Salary and expenses of office of superintendent of .....	150, 155
Supplement to act regulating .....	274
To be done by contract with lowest bidder .....	8
See also Advertising.	
Prisoners—Commutation of sentences of, power of governor to grant .....	11
Confinement of, in penitentiaries where sentences commuted by the governor, to provide for .....	116
Insane, to provide for custody of .....	160
Prison inspectors authorized to furnish tobacco to .....	278
Private secretary of the governor, salary of .....	151

	Page.
Privileges, exclusive, not to be granted by special acts.....	8
not to be irrevocable.....	4
Process—Service of, on stockholders of corporations in certain actions.....	146
State tax on, to be returned and paid over quarterly .....	175
Style of.....	16
Property, not to be taken for public use without compensation.....	4, 23
Prosser, Holden L., deceased, for relief of children of.....	302
Protective societies, for incorporation of .....	78
Prothonotary—Election, term, &c., of.....	22
Quarterly returns and payments of state tax on process, &c., to be made by .....	175
State tax on emoluments of office of.....	225
Vacancies in office of, relative to.....	43
Philadelphia, relative to .....	14, 28
Public grounds and buildings—Expenses incurred by late superintendent, appropriation for.....	169
Repairs and improvements, appropriation for, .....	169
Salaries of superintendent and watchmen... ..	150, 152
Water and gas, appropriation for.....	169
not of the state, to be no special legislation relating to.....	7
Public printing—See Printing.	
Publishing companies—For incorporation of.....	73
Anthracite Region, incorporated.....	317
John Harris, incorporated .....	318
Mail, of Allegheny county, incorporated.....	388
Time Record Company of Pennsylvania, incorporated, .....	369
Universal, incorporated.....	414
Punishment, cruel, not to be inflicted.....	4
Purdon's Digest, appropriation to pay for copies of, furnished members of the House of Representatives.....	176

Q.

QUARRYING COMPANIES, for incorporation of.....	73
Quay, M. S., secretary of the commonwealth, appropriation to.....	171
Quo warranto, jurisdiction of supreme court in.....	13

R.

RABBITS, repeal of act for protection of, in certain townships of Lancaster county.....	402
Railroads—Article in constitution on... ..	24
Lateral, Armstrong county, relative to.....	417
Power to construct, not to be conferred by special acts.....	8
Railroad companies—Compensation from, for use, &c., of county bridges, relative to.....	185
Counties, cities, &c., authorized to enter into certain contracts with.....	282
Directors of, authorized to elect vice presidents.....	331
Forfeiture of charters or grants of special or exclusive privileges to, relative to.....	188
Formation and regulation of, supplement.....	277
Free passes, or passes at a discount, prohibited from granting .....	289

	Page.
Railroad companies—Officers, &c., of, not to be interested in contracts for supplies, nor engage in transporting over company's works.....	178
State tax on stock of.....	70
To enable, to accept seventeenth article of constitution,	275
To keep offices in state for transaction of business .....	289
To make reports to secretary of internal affairs.....	193
Continental Passenger, of Philadelphia, incorporated..	434
Freeport and Shenango Valley Coal and, supplement..	462
Huntingdon, Franklin and Fulton, supplement .....	345
Jersey Shore, Pine Creek and Buffalo, supplement....	406
Johnstown and Somerset, supplement.....	337
Lehigh Avenue, of Philadelphia, incorporated.....	458
Little Lehigh, incorporated ....	334
New Castle Passenger, supplement.....	344
Penn Street Passenger, of city of Reading, incorporated,	346
Pennsylvania, supplement to act authorizing, to occupy portions of Delaware avenue, in the city of Philadelphia.....	415
Pennsylvania Inland, relative to.....	427
Philadelphia and Delaware River, supplement.....	345
Reading City Passenger, incorporated.....	463
Somerset and Mineral Point, supplement.....	432
South Mountain, supplement.....	374
Treaty Island Bridge and, incorporated.....	468
Turtle Creek Valley, incorporated.....	428
Tylersburg Coal and, incorporated.....	329
Union Passenger, of Philadelphia, supplement .....	444
Wayne County, supplement.....	427
West Philadelphia Passenger, commissioners for erection of public buildings authorized to change tracks of.....	457
West Ward Passenger, in Northampton county, supplement.....	419
Wyoming and Sullivan, incorporated.....	335
Real estate associations, for incorporation of .....	73
Real estate—Annexation of, to boroughs, in certain cases, relative to .....	281
Appeals from assessment of damages to, when taken for public use, regulation of.....	283
Consent of state given to acquisition of certain, by United States, for erecting light houses.....	145
County commissioners authorized to sell certain.....	154
Courts authorized to decree leasing and combination of, for mining purposes.....	277
Exemption of, from taxation.....	8, 19, 158
Lien of redemption money paid by lien creditor on title of debtor in, relative to.....	192
Mode by which title to, may become vested in United States in certain cases.....	280
Officers of dissolved corporations enabled to convey.....	110
Partition of, relative to.....	156
Power of orphans' court to decree sale of, enlarged.....	166
Titles to, for the better confirmation of.....	222, 229
sold or conveyed by trustees of married women without leave, courts authorized to confirm.....	131

	Page.
Real estate—Vacant, relative to issuing of warrants to survey.....	58
Blair Iron and Coal Company authorized to hold additional....	337
authorized to take conveyance of, from Cambria Iron Company....	354
Ebensburg borough, Cambria county, burgess and council au- thorized to sell certain.....	422
Jackson, George, title of, to certain, validated.....	296
Miller, Capt. John H., title of, to certain, confirmed, and a patent to be issued for the same.....	• 303
Millerstown, Butler county, sale of certain, authorized.....	403
O'Harra, Right Reverend William, authorized to sell certain...	357
Penn Avenue Building, Loan and Homestead Association au- thorized to purchase and sell.....	389
Philadelphia city, sale of certain, authorized.....	117
Receiver of taxes in certain cities, to publish statement of delinquent tax payers.....	232
Philadelphia city, for extension of term of office of.....	432
Recorder of board of pardons, salary of.....	151
Recorder of deeds—Election, term, &c., of.....	22
State tax on emoluments of office of.....	125
To make quarterly returns and payments of moneys re- ceived for commonwealth from certain taxes.....	175
Vacancies in office of, relative to.....	43
Redemption money paid by lien creditor, to be prior lien on title of debtor to lands sold for taxes.....	192
Reference of issues of fact, authorized.....	16, 109, 186
Register of wills—Election, term, &c., of.....	22
State tax on emoluments of office of.....	125
To act as clerk of separate orphans' courts.....	16, 207
To make quarterly returns and payments of moneys re- ceived for commonwealth from certain taxes.....	175
To provide for recording of deaths of testators and intes- tates in office of.....	194
Vacancies in office of, relative to.....	43
Registry of electors, relative to.....	31, 44
Religious associations, for incorporation of.....	73
Religious opinion, to be free .....	3
Renovo Bridge Company, incorporated.....	349
Reports, printing of certain, provided for.....	274
relative to contracts for distributing.....	8, 45
Reprieves, governor may grant.....	11
Resolutions—Bituminous coal mines, for appointment of commissioners to investigate condition of.....	311
Carlisle barracks, requesting United States government to do- nate, to use of soldiers' orphans' schools.....	314
Coat of arms of state, to correct, and have same recorded.....	312
Committee to investigate authorship of certain documents sent to banks, to pay expenses of.....	314
Constitution of commonwealth, for printing.....	312
Criminal insane, for appointment of commission to inquire into condition of.....	313
Investigation of management of soldiers' orphan school, at Cas- ville, for payment of expenses attending.....	314, 315
Portrait of governor, for painting.....	



	Page.
Resolution to pay expenses of serving writ ordering special election in Wayne and Pike representative district.....	315
Right of way across or under rivers for purpose of mining anthracite coal, to provide for.....	286
Rights, article in constitution on declaration of.....	3
Riot at Susquehanna Depot, for payment of expenses incident to calling out National Guard to suppress.....	147
Rivers and creeks—To provide right of way across or under, for purpose of mining anthracite coal.....	286
Codorus, York county, supplement to act declaring, a public highway.....	386
Montgomery, and branches, Clearfield county, declared public highways.....	299
Sinnemahoning, First Fork of, in Potter county, declared a public highway.....	289
Susquehanna, appropriation for improvement of, between certain points.....	276
Road commissioners and road viewers, compensation of, fixed.....	138
Sugar Grove township, Warren county, repeal of act authorizing erection of building by, for township purposes.....	295
Road companies—For incorporation of.....	73
Loshbaugh Run Navigation and, incorporated.....	445
Road juries, Philadelphia city, to limit time for report of, and repeal act relative to qualifications and powers of.....	407
Road tax—See Tax.	
Roads—Assessment of damages arising from opening, relative to.....	164
Special acts relating to, not to be passed.....	7
State—See State Roads.	
Canaan and South Canaan townships, Wayne county, repeal of certain act relative to.....	404
M'Kean county, repeal of act to repeal laws relating to.....	298
Milford, Pike county, fifth section of general road law repealed as to certain.....	421
S.	
SAFE DEPOSIT COMPANIES—For incorporation of.....	73
Mechanics' Trust, Guarantee and, incorporated..	323
Safety Insurance Company of Philadelphia, incorporated.....	319
Sailors, to provide for education and maintenance of orphans and destitute children of.....	181, 183
Saint Clair Bank of city of Pittsburg, incorporated.....	451
Salaries—Members, officers and employees of legislature, appropriation for, fixed.....	170
Judges, appropriation for.....	129
Officers of certain counties to be paid by.....	170
Officers of state, and clerks and employees in departments, appropriation for.....	22
Officers of state, and clerks and employees in departments, fixed..	168
Officers of state, and clerks and employees in departments, fixed..	150
Savings banks—See Banks.	
Savings fund associations and institutions, liability of stockholders of.....	135
Wood's Run Loan and, of Allegheny county, supplement.....	416
Schools—Common, appropriation for.....	168
education by—See Education.	
in certain cities, relative to.....	254, 494

	Page.
<b>Schools</b> —Common, special legislation concerning, forbidden.....	8
superintendent of—See Superintendent.	
<b>Mechanics' High, of Pennsylvania, to establish.....</b>	390
<b>Normal, appropriations for.....</b>	155, 168
Indiana, to aid.....	308
North-Western, at Edinboro', to provide for election of trustees for.....	442
to recognize Lincoln University as.....	134
when a school applying for recognition to be entitled to benefits of.....	134
<b>Pennsylvania Reform, appropriation for.....</b>	53
<b>Pennsylvania Training, for feeble-minded children, appropriation to.....</b>	112
<b>Soldiers' and sailors' orphan, certain children to be admitted into..</b>	181, 302
salaries of inspectors of.....	184
superintendents of—See Superintendent.	
to pay expenses attending investigation of management of certain.....	314, 315
United States government requested to donate Carlisle barracks to use of,	314
Women eligible to office under laws relating to.....	21
<b>School directors</b> —Building tax not to be collected by, during pending of certain proceedings in court.....	284
Covington township, Luzerne county, election of.....	377
North Sewickly township, Beaver county, repeal of acts authorizing, to levy bounty tax.....	294
<b>School districts</b> —Constitutional provisions concerning debts of.....	20
Eighth normal, to divide.....	120
Increase and redemption of indebtedness of, relative to....	65
Not to become stockholders in corporations, or appropriate money for or loan credit to same.....	20
Special legislation regulating affairs of, erecting new, &c., forbidden.....	7
<b>School houses, exemption of, from taxation.....</b>	158
<b>School tax</b> —See Tax.	
<b>Schuykill county, portion of act for making a state road in Dauphin county and, and the supplement thereto, repealed.....</b>	306
<b>Scientific associations, for incorporation of.....</b>	73
<b>Seal of state, defined.....</b>	13
<b>Searches and seizures, limited.....</b>	4
<b>Secretary of the commonwealth</b> —Appointment and duties of.....	11, 12
Appropriation for furniture and repairs at office of.....	171
Appropriation to, for services in connection with adoption of new constitution,	171
Authorized to administer oaths.....	139
Clerk hire and expenses of office of.....	151, 152
Duties of, in reference to contracts for supplies for legislature and departments....	45
Salary of.....	190
To be member of board of pardons.....	11
To publish list of charters with pamphlet laws.....	107
To publish minutes of board of war and other papers heretofore unpublished....	137

	Page.
Secretary of internal affairs—Powers and duties, and election and term of, 13, 26,	135, 193
Clerk hire and expenses of office of.....	151
Salary of.....	137, 150
Seminaries, exemption of, from taxation.....	158
Sentences of prisoners, power of governor to commute.....	11
to provide for confinement in penitentiaries in cases of commutation of.....	116
Sewers—Construction, &c., of, in certain cities.....	250, 500
M'Keesport borough, Allegheny county, relative to.....	335
Sheep—Bedford and Snake Spring townships, Bedford county, repeal of act prohibiting, from running at large.....	294
Hamilton township, Monroe county, repeal of act for protection of..	296
Sheltering Arms, Allegheny county, appropriation for completion of building of.....	51
Sheriffs, election, term, &c., of.....	22
Ship building companies, for incorporation of.....	73
Side-walks—Repair of, in Quakertown borough, Bucks county, relative to...	409
Repeal of act requiring Youngsville borough, Warren county, to maintain.....	302
Singerly, Benjamin, state printer, auditor general to settle claims of.....	290
Sinking fund—Cities to establish.....	22, 230
State to maintain, and regulations of.....	30
Supplement to several acts relating to commissioners of.....	126
Sinnemahoning creek, First Fork of, in Potter county, declared a public highway.....	299
Slackwater navigation companies, state tax on stock of.....	70
Snipe, repeal of certain provisions relative to killing.....	154
Society—Allegheny county, for alleviating miseries of public prisons, appro- priation to.....	142
Church Building, of East Pennsylvania Conference of Evangelical Association of North America, incorporated.....	461
Independent Order of Odd Fellows' Mutual Life Insurance, of Pennsylvania, incorporated.....	417
Philadelphia, for alleviating miseries of public prisons, appropria- tion to.....	63
State Agricultural, for publication of ninth volume of transactions of.....	114
York County, for Prevention of Cruelty to Animals, incorporated,	400
Soldiers—Orphans of—See Orphans—Schools—Appropriations.	
Quartering of, in houses, relative to.....	5
Fix, Henry, supplement to act granting pension to.....	291
Hamilton, Samuel, supplement to act granting pension to.....	305
Stewart, Henry, supplement to act granting a pension to.....	292
Troxell, Abraham, for relief of.....	292
Solicitation, corrupt, of legislators and public officers, defined and punished,	115
Solicitors, election, &c., of for certain cities.....	253
of certain cities, to publish list of municipal liens.....	233
Somerset and Mineral Point Railroad Company, supplement.....	432
Somerset Land Company, supplement.....	362
South Mountain Railroad Company, supplement.....	374
Southern Railway Security Company, authorized to increase directors, and issue bonds.....	430
Speech, freedom of.....	3
Spring Car Seat Company, Pennsylvania, supplement.....	408

	Page.
Squirrels, protection of.....	60
State advertisements, to regulate manner of publishing, and the issuing of warrants therefor .....	309
coat of arms of, to correct.....	312
consent of, given to acquisition of lands by United States, for erecting light houses.....	145
credit of, not to be loaned.....	20
debt—See Debt.	
department, clerk hire and expenses of.....	151, 152
librarian, allowances for incidental expenses in office of .....	153
and assistant, salaries of.....	150
loans—See Loans.	
moneys of, how to be used and invested.....	20, 128
monthly statements to be published.....	20, 127
profit not to be made on.....	20
municipal debts not to be assumed by.....	20
State road—Indiana and Armstrong counties, to lay out.....	418
M'Kean county, commissioners appointed to lay out .....	456
Schuylkill and Dauphin counties, portion of act for making, and the supplement thereto, repealed.....	306
State School Home for colored soldiers' orphans, at Bridgewater, Bucks county, appropriation for support of.....	273
State tax—See Tax.	
State treasurer—Authorized to make certain alterations to office.....	169
Clerk hire and expenses of office of.....	152, 153
Election and term of.....	13
Payments by—See Appropriations.	
Salary of.....	150
Supplement to the several acts relating to.....	126
To settle claims for work done and material furnished for constitutional convention.....	176
Stationery for departments of state government, and legislature, relative to contracts for furnishing..	8, 45
appropriation for.....	171
use of departments of city governments, to be furnished by contract with lowest bidder.....	233
Statistics—Clerk hire and expenses of bureau of.....	152, 153
Printing of report of commissioner of, provided for.....	274
Salary of commissioner of.....	150
Secretary of internal affairs may appoint chief of bureau of, with consent of governor.....	137
to collect and publish.....	136, 194
Stay of execution, not allowed on judgments of one hundred dollars or less obtained in suits for wages.....	145
Steamboat companies—State tax on stock of.....	70
Philadelphia and Millville, incorporated.....	393
Steel companies, for incorporation of.....	73
Stenographers, to authorize appointment of, by courts.....	182
Steuben Iron Company of Centre county, incorporated.....	323
Stewart, Henry, supplement to act granting a pension to.....	292
Stock of corporations—State tax on.....	62, 70, 107
To facilitate transfer of.....	222
To provide for manner of increasing.....	61

Stock, Rebecca, for relief of.....	12
Stockholders of banks and banking companies, liability of, fixed.....	1
corporations, relative to service of process on, in certain actions.....	11
Storage companies, for incorporation of.....	1
Streets—Assessment of damages sustained from opening and widening, in certain cities, relative to.....	2
Special acts relating to, not to be passed.....	46
Allegheny city, relative to opening and collection of cost of grading certain.....	24
M'Keesport borough, Allegheny county, relative to opening, &c., of Philadelphia city, Twenty-second, for opening of, through Girard college grounds.....	41
Upland, directed to be placed on public plans of width of fifty feet between certain points.....	43
Pittsburg city, election of commissioners for grading and paving certain, legalized.....	45
opening, grading, &c., of certain, authorized.....	26
Port Perry, Allegheny county, repeal of act to vacate parts of certain.....	194
Subscriptions for charitable purposes, retention of, from wages, authorized..	17
Suffrage, article in constitution on.....	1
Summary conviction, appeals from.....	44
Sunbury borough, Northumberland county, supplement to act authorizing council to borrow money.....	25
Superintendent—Common schools, when office of, to cease.....	180
Public grounds and buildings, appropriation for expenses incurred by late.....	150
salary of.....	160
to make statement of expenditures to next legislature.....	11
Public instruction, appointment and term of.....	152, 153
clerk hire and expenses of office of.....	15
powers and duties of.....	150
salary of.....	155
Public printing, expenses of office of.....	150
salary of.....	183
Soldiers' and sailors' orphan schools of state, appropriation for.....	181
Soldiers' and sailors' orphan schools of state, to report list of children admitted to schools under certain act.....	308
Soldiers' orphan school, at Mercer, to re-imburse.....	470
Supervisors—Cumberland township, Adams county, authorized to levy special tax.....	26
Hickory township, Mercer county, repeal of act authorizing, to levy additional taxes.....	157
Supreme court—See Courts.....	71
Sureties upon written instruments for payment of money, to define liability of.....	153
Surveyor general—Appropriation for repairs to office.....	150
Expenses of office of.....	26
Salary of.....	158
When office of, to cease.....	12
Surveyors, compensation of, fixed.....	12
county, election, term, &c., of.....	

	Page.
Susquehanna Coal Company, authorized to hold additional lands and erect toll-bridge.....	421
Susquehanna Depot borough, Susquehanna county, divided into two wards, and elections therein provided for .....	433
Susquehanna river, appropriation for improvement of, between certain points, .....	276
Swine, repeal of act prohibiting, from running at large in certain townships, Bedford county .....	294

T.

Tax — Article in constitution on.....	19
Borough, M'Keesport, Allegheny county, collection of.....	392
Pittston, Luzerne county, burgess and council authorized to levy additional.....	409
West Pittston, Luzerne county, time to levy and collect additional, extended.....	402
Bounty, repeal of acts authorizing school directors of North Sewickly township, Beaver county, to levy.....	294
Bridge, councils, Pittsburg city, authorized to levy.....	362
City, assessment and collection of.....	249, 250, 251
power of councils to levy .....	238
receiver to publish list of delinquent .....	232
Covington township, Luzerne county, relative to collection of.....	377
Cumberland township, Adams county, supervisors authorized to levy special.....	470
Dog, Hamilton township, Monroe county, repeal of act relative to.....	296
Exemption of property from, relative to.....	158
Philadelphia city, for extension of term of office of receiver of.....	432
Poor, to authorize collection of, from unseated lands.....	155
Road, repeal of act authorizing supervisors, Hickory township, Mercer county, to levy additional.....	297
School, assessment and collection of, in certain cities.....	249, 250, 251, 253
repeal of certain provisions relating to payment of, in Le Raysville borough and Pike township, Bradford county.....	404
School building, to prevent directors from assessing or collecting, during pendency of certain proceedings in court.....	284
Sinking fund, cities to levy and collect.....	294
State, on corporations, relative to.....	68
on emoluments of office.....	125
on process, &c., to be returned and paid over quarterly.....	175
State treasurer to refund certain.....	371
Sugar Grove township, Warren county, repeal of act authorizing road commissioners to levy certain .....	295
Telegraph companies and telegraph lines, constitutional provisions concerning.....	23, 24
for incorporation of.....	73
to make report to secretary of internal affairs.....	193
Thompson, Hannah, for relief of.....	306
Time Record Company of Pennsylvania, incorporated.....	369
Titles of nobility, shall not be granted.....	5
to real estate, courts authorized to confirm, in certain cases.....	131
for better confirmation of .....	222, 229
how to become vested in United States in certain cases.....	289
Tobacco, prison inspectors authorized to furnish, to convicts.....	278
Town plats, to be no special law vacating.....	7

	Page.
Townships—Annexation of, to adjacent cities, relative to.....	279
Compensation of commissioners appointed to run lines of.....	138
Constitutional provisions concerning debts of.....	29
Contracts with railroad companies, authorized to make certain,	282
Duties of auditors of.....	112
Increase and redemption of indebtedness of, relative to.....	65
Not to become stockholders in corporations, or appropriate money	20
for or loan credit to same.....	
Special legislation regulating affairs of, erecting new, &c., for-	7
bidden.....	
Covington, Luzerne county, supplement to act to divide, into	377
two wards.....	
North Lebanon, Lebanon county, relieved from maintaining and	460
keeping in repair a certain bridge.....	
'Trade, special legislating regulating, forbidden.....	8
'Trading companies—To enable, to wind up their affairs after expiration of	278
their charters.....	
Harrisburg, incorporated.....	558
'Transportation companies, for incorporation of.....	73
prohibited from granting free passes or passes at a	289
discount.....	
state tax on stock of.....	70
to enable, to accept seventeenth article of consti-	275
tution.....	
'Treasurer, city—Election, &c., of.....	249
Philadelphia, for extension of term of office of.....	432
county—Clinton county, to credit predecessors with balances due	393
for military orders paid by them.....	
Election, term, &c., of.....	22
Supplement to act relating to.....	63
To make quarterly returns and payments of moneys re-	175
ceived for commonwealth from certain taxes.....	
'Treaty Island Bridge and Railroad Company, incorporated.....	468
'Trial by jury, may be dispensed with by agreement filed.....	16, 109, 106
'Troxell, Abraham, for relief of.....	292
'Trust companies—Liability of stockholders of.....	135
Mechanics' Safe Deposit, Guarantee and, incorporated....	323
'Trustees, not to invest in corporation bonds.....	9
'Turnpike companies, relative to forfeiture of charters or grants of special or	188
exclusive privileges to.....	
Turnpikes, relative to compensation for use of, by cities.....	267
'Turtle Creek Valley Railroad Company, incorporated.....	428
'Tylersburg Railroad and Coal Company, incorporated.....	329

## U.

UNION COUNTY, running of deer with dogs, allowed in.....	291
Union Passenger Railway Company of Philadelphia, supplement.....	444
United States Guarantee and Railway Construction Company, relative to....	424
Universal Printing Association, incorporated.....	414
Universities—Exemption of, from taxation.....	158
Lincoln, to recognize, as an additional state normal school....	154
Unseated lands, to authorize collection of poor tax from.....	155
see also Real estate.	

V.

	Page.
VACANCIES in county offices, relative to.....	22, 43
legislature, how filled .....	5
office of governor and lieutenant governor, how filled.....	12
power of governor to fill.....	11, 16, 118, 126, 135, 205
Venango county, local lien laws repealed, except as to claims for labor done,	300
Venue, power to change, to be vested in courts.....	9
to be no special legislation changing.....	7

W.

WADDLE, BRISON W. and wife, divorced.....	378
Wages of mechanics and others, supplement to act for better protection of ..	120
retention from, of contributions or subscriptions for charitable pur-	
poses, authorized.....	194
stay of execution not allowed on judgments of one hundred dollars	
or less obtained in suits for.....	145
Wards in boroughs, to prescribe manner by which courts may create or alter	
lines of.....	159
cities, quarter sessions may divide and create.....	231
Warehouse receipts, supplement to act making, negotiable.....	285
Warrants to survey vacant lands, relative to issuing of.....	58
Warren county—Repeal of act authorizing erection of building in village of	
Sugar Grove, by road commissioners.....	205
Repeal of act requiring Youngsville borough to maintain a	
certain side-walk.....	302
Repeal of local lien laws, except as to claims for labor done,	
.....	300
Water bailiffs, appointment and pay of, regulated.....	142
Water companies—For incorporation of.....	73
Supplement to act of March 11th, 1857, for incorporation of,	
.....	188
Water works, purchase, erection, &c., of, by certain cities.....	261
Wayne County Railroad Company, supplement.....	427
to repeal so much of certain act relative to roads as relates to	
Canaan and South Canaan townships.....	404
West Penn Coal Company, incorporated.....	340
West Ward Passenger Railway company, in Northampton county, supple-	
ment.....	419
Western Pennsylvania Hospital, appropriations for.....	53
White, J. G., superintendent of soldiers' orphan school, at Mercer, to re-im-	
burse.....	308
Wickley, Mary, for relief of .....	398
Wild cats, what required of persons claiming premiums for killing, in Hunt-	
ington county .....	405
Wilkes Barre City Hospital, appropriation to.....	134
Williamsport Lumber Company, supplement .....	394
Witnesses—Duty of, in cases of legislative bribery or corruption.....	10
election cases.....	18, 213
Supplement to act allowing parties in interest to be.....	279
Supplement to act extending competency of persons to be, in	
criminal cases.....	331
Women, eligible to office under school laws.....	21
Woodcock, certain provisions relative to protection of, amended.....	154
Wood's Run Savings Fund and Loan Association, of county of Allegheny,	
supplement .....	416

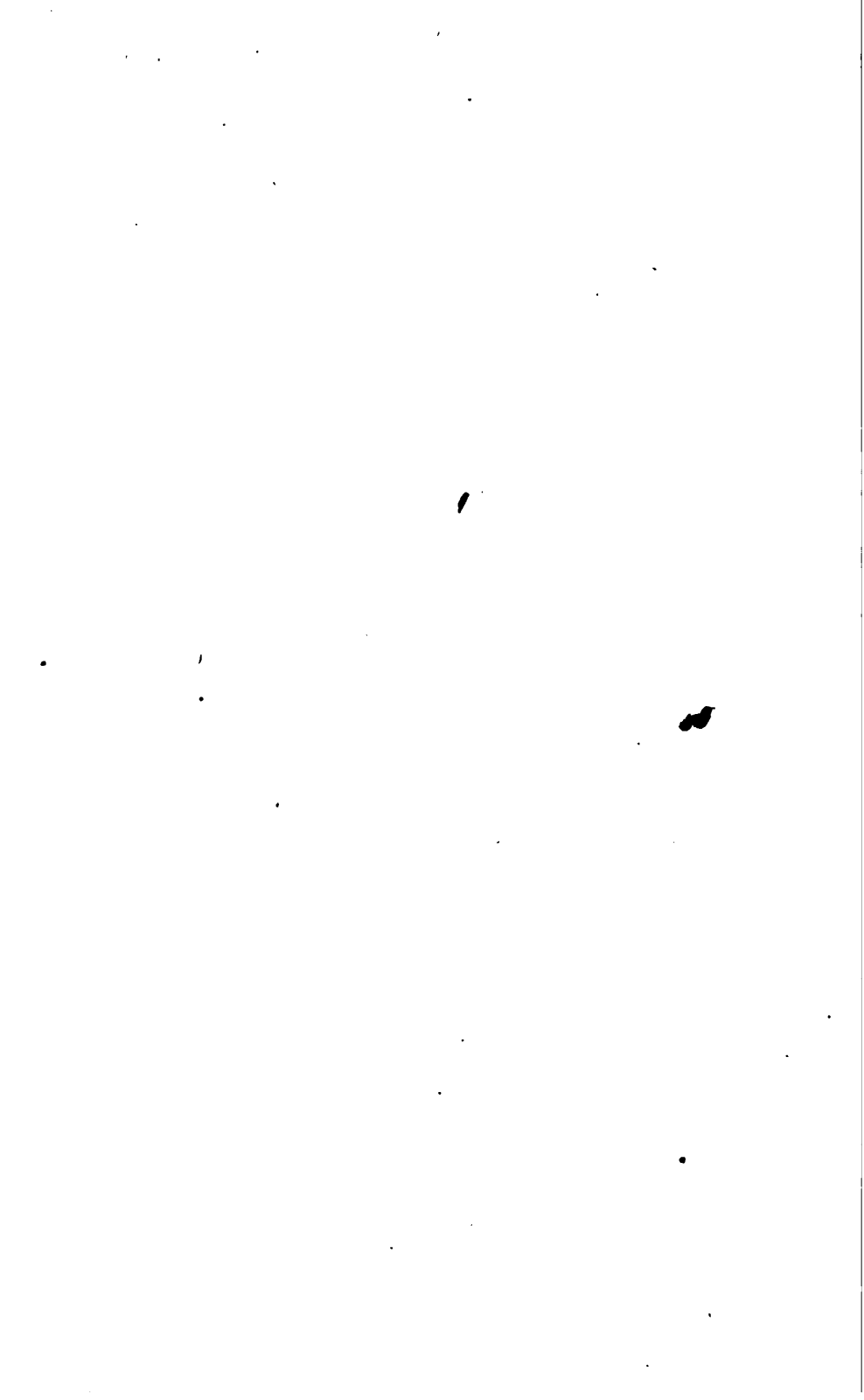


	Page.
Writ ordering special election in Wayne and Pike representative district, for payment of expenses of serving.....	315
Writs of error, allowed where judgment refused for insufficient affidavit of defence.....	64
limitation of time for taking.....	50
to regulate damages pending, and costs accruing thereon.....	227
see also Process.	
Wylie Avenue Savings Bank of Pittsburg, incorporated.....	471
Wyoming and Sullivan Railway Company, incorporated.....	325

## Y.

YANKEE HILL BURIAL GROUND, Crawford county, to vest title of, in Cambridge Cemetery Association.....	462
York county—Codorus river, supplement to act declaring, a public highway, Hunting on anothers' land without permission, prohibited ...	396
Society for Prevention of Cruelty to Animals, incorporated ...	400
Youghiogheny River Navigation Company, incorporated .....	355

Married Women's Cases	40
Survivorship	52
Admission to real estate	57-73-13
Admission to culture	64
<del>Admission</del>	109
Admission to real estate	107
Admission	110
Admission to real estate	125-25
Admission to real estate	122
Admission to real estate	124
Admission to real estate	131
Admission to real estate	146
Admission to real estate	156
Admission to real estate	157
Admission to real estate	158
Admission to real estate	166
Admission to real estate	166
Admission to real estate	183
Admission to real estate	194
Admission to real estate	221
Admission to real estate	271
Admission to real estate	331
Admission to real estate	407



# L A W S

OF THE

## GENERAL ASSEMBLY

OF THE

# STATE OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1873,

IN THE NINETY-NINTH YEAR OF INDEPENDENCE,

TOGETHER WITH

A Proclamation by the Governor, declaring that he has filed certain  
Bills in the Office of the Secretary of the Commonwealth,  
with his objections thereto, and a List of Charters  
of Corporations organized under general  
corporation act of April 29, 1874.

BY AUTHORITY.

HARRISBURG:

B. F. MEYERS, STATE PRINTER.

1875.



# L A W S

## OF THE

### COMMONWEALTH OF PENNSYLVANIA.

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#### No. 1.

#### AN ACT

Relating to return of writs and other process in courts which are abolished or changed by the provisions of the constitution.

SECTION 1. *Be it enacted, &c.,* That in all cases where, under the provisions of the constitution and laws of this state, any court has been abolished or changed, either in terms, jurisdiction or name, and the causes and proceedings pending therein are required to be disposed of in the same or any other court, and where writs or other process shall or may be issued out of each court so abolished or changed, and shall not have been fully executed by the sheriff or other officer charged with the execution thereof, the sheriff or other officer shall proceed with such execution in the same manner as though no such change had been made, and shall make return of such writ, execution or other process into the court having jurisdiction, at the return day of such writ or other process, with the same force and effect as though no change had been made in such court.

APPROVED—The 22d day January, A. D. 1875.

J. F. HARTRANFT.

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#### No. 2.

#### AN ACT

Supplementary to the act, approved the second day of June, Anno Domini eighteen hundred and seventy-four, entitled "An Act authorizing the formation of partnership associations in which the capital subscribed shall alone be responsible for the debts of the association, except under certain circumstances," authorizing such associations to use a common seal in the execution of deeds, bonds and mortgages, and to acknowledge such instruments by their chairman and secretary.

SECTION 1. *Be it enacted, &c.,* That whenever any association, formed under the act to which this is a supplement, shall have occasion to execute any deed of conveyance, or bonds

How deeds, &c.,  
may be executed  
and acknowledged.

with or without coupons, and mortgages, to secure, purchase or borrowed moneys, such association shall have a right to adopt and use a common seal, and to acknowledge such instruments or writings by their chairman and secretary.

Applicable to instruments heretofore made.

SECTION 2. That the provisions of the foregoing section shall be regarded as applicable to and authorizing the execution of deeds, bonds and mortgages heretofore made and delivered by any association formed under the act to which this is a supplement.

APPROVED—The 18th day of February, A. D. 1875.

J. F. HARTRANFT.

### No. 3.

#### A SUPPLEMENT

To the act, approved March thirty-first, one thousand eight hundred and sixty, entitled "An Act to consolidate, revise and amend the penal laws of this commonwealth," further defining the offence of kidnapping, and affixing additional penalties thereto.

SECTION 1. *Be it enacted, &c.*, That section ninety-four of an act, approved March thirty-first, one thousand eight hundred and sixty, entitled "An Act to consolidate, revise and amend the penal laws of this commonwealth," be amended by adding thereto as follows: That if any person shall maliciously, either by force or fraud, lead, take or carry away, or decoy or entice away, any child, under the age of ten years, from its parent or parents, or any other person having the lawful charge or care of such child or the possession of such child, with the intent to extort money or any valuable thing from the parent or any other person, for the restoration of such child, every such person shall be guilty of a felony, and upon conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars, and to undergo an imprisonment by separate and solitary confinement at labor, for a period not exceeding twenty-five years; and if any person within this commonwealth shall knowingly conceal, harbor or detain, or assist in concealing, harboring or detaining, any such child so taken, carried or enticed away as aforesaid, either within or without this commonwealth, every such person shall be guilty of a felony, and upon conviction thereof be sentenced to pay a fine not exceeding five thousand dollars, and to undergo an imprisonment by separate or solitary confinement at labor not exceeding fifteen years: *Provided*, That this act shall not apply to the detaining or concealing of any child taken or carried away before the passage of this act, where the person or persons so harboring or concealing, shall, within thirty days after the passage of this act, surrender up such child to the custody of the nearest magistrate or justice of the peace, or to the sheriff of any county within this commonwealth.

APPROVED—The 25th day of February, A. D. 1875.

J. F. HARTRANFT.

## No. 4.

## AN ACT

Authorizing the holding of orphans' courts by other than the regularly commissioned judges in certain cases.

SECTION 1. *Be it enacted, &c.*, That whenever, by reason of sickness, absence, interest or other cause, a judge of orphans' court, in any judicial district of this commonwealth, may be unable to sit in any matter depending in such court, it shall be lawful for him to call upon any other orphans' court judge, or judge of any court of common pleas, in this commonwealth, to preside in and determine such matter, with the same force and effect as though he, the regular commissioned judge of such district, if presiding, might do.

APPROVED—The 4th day of March, A. D. 1875.

J. F. HARTRANFT.

## No. 5.

## AN ACT

To provide a remedy for irregularity in the sealing up of jury wheels and in the custody thereof.

SECTION 1. *Be it enacted, &c.*, That when it shall appear to the judges of any of the courts of this commonwealth, or to the president judge thereof if in vacation, that there has been such irregularity in the sealing up of the jury wheel or in the custody of the same, as would constitute due cause of challenge of the array, it shall be lawful for such judges, or for such president judge if in vacation, to make an order upon the proper officers, requiring them forthwith to take from such wheel the names therein deposited, and make a new selection of persons to serve as jurors for the remainder of the current year, whose names shall be deposited in said wheel and sealed up according to law.

APPROVED—The 5th day of March, A. D. 1875.

J. F. HARTRANFT.

## No. 6.

## AN ACT

Authorizing the judges of the supreme court to appoint officers of said court.

SECTION 1. *Be it enacted, &c.*, That the judges of the supreme court be and they are hereby authorized to appoint one crier and so many tipstaves as said court may deem necessary in each and every city and county in which said court is or shall be held, whose compensation shall be fixed by the judges of said court, at a rate per diem for the whole year, not exceeding that now paid to similar officers of the



## LAWS OF PENNSYLVANIA,

courts of common pleas of said cities or counties; which compensation shall be paid by the proper city or county treasurer, on bills approved by said court or by the prothonotary thereof, in pursuance of a rule to be made for this purpose.

APPROVED—The 5th day of March, A. D. 1875.

J. F. HARTRANFT.

## No. 7.

## AN ACT

Fixing and regulating the terms of all members of councils and all other city, ward, borough and township officers, excepting school directors, elected by the people, and fixing the time for organization of the legislative departments, of the municipal governments of the commonwealth and the inauguration of the mayors of all the cities of the same.

Terms of officers  
regulated.

SECTION 1. *Be it enacted, &c.,* That all members of councils and all other city, ward, borough and township officers, excepting school directors, to be elected on the third Tuesday of February next, or in any year thereafter, whose term of office would, under existing laws, expire prior to the first Monday of April, shall continue in office from the date at which said term would otherwise expire, until the first Monday of April next ensuing thereto; and the terms of their successors shall begin on the first Monday of April, and shall continue for the period now fixed for the duration thereof by existing laws in each particular case; and hereafter all elections for officers which will be vacant on the first Monday of April, shall be held on the third Tuesday of February next preceding thereto.

Elections.

Organization of leg-  
islative depart-  
ments.

SECTION 2. That the members of legislative departments of the municipal governments of this commonwealth hereafter elected, shall assemble in their respective places of meeting, for the purpose of organization, at ten o'clock in the forenoon of the first Monday in April in each year; and that the mayors of all cities of this commonwealth shall be inaugurated and take the official oath at twelve o'clock noon of the same day.

Inauguration of  
mayors.

Repeal.

SECTION 3. That all acts or parts of acts inconsistent herewith are hereby repealed.

APPROVED—The 10th day of March, A. D. 1875.

J. F. HARTRANFT.

## No. 8.

## AN ACT

To authorize the entering of compulsory non-suits.

SECTION 1. *Be it enacted, &c.,* That whenever the defendant upon the trial of a cause in any court of common pleas of this commonwealth shall offer no evidence, it shall be lawful

for the judge presiding at the trial to order a judgment of non-suit to be entered if, in his opinion, the plaintiff shall have given no such evidence as in law is sufficient to maintain the action, with leave, nevertheless, to move the court *in banc* to set aside such judgment of non-suit; and in case the said court *in banc* shall refuse to set aside the non-suit the plaintiff may remove the record by writ of error into the supreme court for revision and review, in like manner and with like effect as he might remove a judgment rendered against him upon a demurrer to evidence.

APPROVED—The 11th day of March, A. D. 1875.

J. F. HARTRANFT.

### No. 9.

#### AN ACT

To extend the time for the completion of railroads authorized to be constructed by railroad or railway corporations of this commonwealth under any general law.

SECTION 1. *Be it enacted, &c.*, That the time for completing all railroads in this commonwealth, commenced by railroad or railway companies incorporated under or in pursuance of any general law of this commonwealth, be and the same is hereby extended for the further period of five years, from and after the time limited for the completion of the same by any general law under and by virtue of which any such corporation may have been incorporated: *Provided*, Any railroad or railway company enjoying the benefits and privileges of this act shall hereafter hold its charter subject to the provisions of the constitution of this commonwealth.

APPROVED—The 17th day of March, A. D. 1875.

J. F. HARTRANFT.

### No. 10.

#### A SUPPLEMENT

To an act, entitled "An Act dividing the cities of this state into three classes, regulating the passage of ordinances, providing for contracts for supplies and work for said cities, authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same, defining and punishing certain offences in all of said cities, and providing for the incorporation and government of cities of the third class," approved May twenty-third, Anno Domini one thousand eight hundred and seventy-four.

SECTION 1. *Be it enacted, &c.*, That the following parts of any clauses of sections of the act to which this is a supplement, may, by a two-third vote of the city councils, after publication in the city or county paper or papers for two weeks, be extended and applied to cities of the third class which have not accepted the said act, and shall remain in

Parts of former act may be extended to non-accepting cities of third class.

force as to each city of said third class until such city shall have accepted the provisions of the said act and no longer, namely :

The following part of section eleven :

(Of extension of part  
of section eleven.

Sinking fund tax to  
be levied.

How to be applied.

Passage of a loan  
bill.

City to provide tax  
to pay loan within  
thirty years.

Extension of parts  
of section twenty.

Power to enact ordi-  
nances for opening  
streets, building  
bridges, &c.

To impose poll tax.

Levy and collect li-  
cense taxes.

That for the purpose of creating a sinking fund for the gradual extinguishment of the bonds and funded debt of the respective cities of this commonwealth, the councils of each thereof shall annually, (until payment of the bonds and funded debt be fully provided for,) levy and collect, in addition to the other taxes of said corporation, a tax of not less than one mill and not exceeding three mills, upon the assessed value of the taxable property of each of said cities, to be called the sinking fund tax, which shall be paid into the city treasury, and shall be applied towards the extinguishment of said bonds and funded debt in the order of the date of maturity thereof, and to no other purpose whatever ; and said bonds, when purchased, shall be conspicuously stamped to show that they were purchased for the sinking fund of said city ; and the interest on said bonds shall be collected and used in like manner with the taxes collected for said sinking fund : *Provided*, That no money shall hereafter be borrowed on the faith and credit of said cities unless the ordinance or other authority authorizing the same shall have been introduced at one stated meeting of the common council, and the draft thereof published in at least two of the newspapers of the city, daily, four weeks before the final consideration and passage thereof by the said common council : *And provided also*, That the specific purpose or purposes for which the said loan is authorized shall be distinctly set out in the said ordinance ; and that the moneys received for said loan shall not be used for any purposes other than those so stated : *And provided further*, That the said city shall, at or before the time of authorizing the said loan, provide for the collection of an annual tax sufficient to pay the interest and also the principal of said loan within thirty years ; also the second, third, fourth, fifth, sixth, seventh and eighth clauses of section twenty of the said act to which this is a supplement as follows :

*Clause 1.* To open and improve streets, avenues and alleys, make sidewalks and build bridges, culverts and sewers within the city, and for the purpose of paying for the same, shall have power to provide for the payment of the same from the general revenue or by assessments on real estate benefited thereby, as provided in clauses thirty-two and thirty-three of this section, and also to make assessments therefor as provided in clauses three and four, to wit :

*Clause 2.* To impose a poll tax, not exceeding one dollar, on all able-bodied males between the ages of twenty-one and fifty years.

*Clause 3.* To levy and collect license tax on auctioneers, contractors, druggists, hawkers, peddlers, bankers, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, public boarding houses, dram shops, saloons, liquor sellers, billiard tables, bowling alleys and other gaming tables, drays, hacks, carriages, omnibusses,

carts, wagons, street railroad cars and other vehicles used in the city for pay, lumber dealers, furniture dealers, saddle or harness dealers, stationers, jewelers, livery stable keepers, pavement stands, real estate agents, express companies or agencies, telegraph companies or agencies, shows, theatres, and all kinds of exhibitions for pay, and regulate the same by ordinance.

*Clause 4.* To restrain, prohibit and suppress tippling shops, billiard tables, bowling alleys, houses of prostitution and other disorderly houses and practices, games and gambling houses, desecration of the Sabbath day, commonly called Sunday, and all kinds of public indecencies.

Suppress tippling houses, &c.

*Clause 5.* To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within the corporate limits of the city.

Make sanitary regulations.

*Clause 6.* To erect, establish and regulate hospitals, work-houses and poor-houses, and to provide for the government and support of the same.

Establish hospitals, &c.

*Clause 7.* To make regulations to secure the general health of the city, and to remove and prevent nuisances.

Prevent nuisances.

**SECTION 2.** That the judges of the court of common pleas number two, of the county in which any city of the second class is situated, shall immediately after the passage of this act, and every third year thereafter, appoint three resident citizens of such city as a board of assessors to make, revise or alter assessments of all subjects of taxation for taxation for city purposes, who shall serve for a term of three years from the date of their appointment; one of said assessors shall be designated by said court as chief assessor, and shall receive an annual salary of twenty-five hundred dollars; the other members of the board shall receive as compensation five dollars per day for each day of actual service, to be determined by the affidavit of the assessors before the city controller; and said board shall immediately after their appointment be severally sworn by the said court of common pleas to faithfully perform the duties pertaining to their office; any vacancy occurring in said board by death, resignation or otherwise, shall be filled by an appointment by said judges for the unexpired term.

Court to appoint board of assessors for second class cities.

Terms of members of board.

Compensation.

To be sworn.

Vacancies.

**SECTION 3.** The said board of assessors shall make an assessment of all the subjects of taxation now by law or hereafter made subject to taxation for city purposes; and shall take as the basis of such assessment the assessments as returned by the ward assessors of the several wards of said city to the county commissioners, a copy of which shall be furnished to said board by said county commissioners of the county in which said city is situated; and shall have power to revise, equalize or alter such assessments, by increasing or reducing the valuations, either in individual cases or by wards or parts of wards; to add to such lists of assessments any subject of taxation, subject to taxation as aforesaid, omitted therefrom, and attach a valuation thereto; and it shall be their duty to rectify all errors, and if deemed necessary to require the attendance of ward assessors or other citizens before them for

Duties and powers of board.

examination under oath or affirmation; they shall hear and determine all appeals of tax-payers from their assessments, made under such rules and regulations as they shall prescribe, subject to an appeal from their decision to the court of common pleas number two of the county, whose decision shall be final; and if the appeal shall be groundless the appellant shall pay all the costs of the appeal.

Further duties of board.

SECTION 4. When said board shall have altered and amended the lists of all taxable property, so as to arrive at its true cash value, they shall then ascertain the aggregate amount of the value of the entire taxable property of said city, which valuation shall remain the lawful valuation for purposes of city taxation, until altered as herein provided; the said board shall then proceed to classify the real estate so assessed, in such manner and upon such testimony as may be adduced before them, so as to discriminate between built up property, rural or suburban property, and property used for agricultural or farm purposes, including untillable land, respectively, and certify to the councils of said city, during the month of January of each year, the aggregate valuation of city, rural and agricultural property subject to taxation; it shall be the duty of said councils, in determining the rate of taxation for each year, to assess a tax upon said agricultural, farm and untillable land, equal to one-half ( $\frac{1}{2}$ ) of the highest rate of tax required to be assessed for said year, and upon said rural or suburban property a tax not exceeding two-thirds ( $\frac{2}{3}$ ) of the highest rate required to be assessed as aforesaid, so that upon the said classes of real estate of said city there shall be three rates of taxation.

Duty of councils in determining rate of taxation.

Chief assessor to have custody of books.

SECTION 5. The said chief assessor shall have custody and control of all books relating to the assessment of taxes, and keep them arranged according to wards and dates; and he shall furnish the city treasurer, on or before the first day of June of each year, an alphabetical list of all persons taxable for city purposes, with the amount of tax levied by councils for the current year, and report the aggregate amounts of said taxes assessed to the city controller at the time said books are placed in the hands of the city treasurer.

To furnish treasurer a list of taxable.

And report amount of taxes to controller.

Board may administer oaths.

Assessments when made, to remain until next triennial county valuation.

SECTION 6. The said board shall have the power to administer oaths or affirmations for all purposes necessary in the discharge of their duties; the said assessments, when first made, shall remain until the next triennial county valuation, subject only to such additions and transfers, and other incidental alterations, as said board shall deem necessary to perfect the assessments for each year's tax levy; and thereafter it shall be the duty of said board, each year in which the triennial county valuation is made, to alter, revise and equalize valuations as aforesaid, with the power to make in the intermediate years, the said additions and transfers and other incidental alterations.

Councils of second class cities may license pawnbrokers.

SECTION 7. The councils of any city of the second class shall have power to license pawnbrokers to do business within the corporate limits thereof, under such regulations and upon payment of such fees as shall be prescribed by ordinance of said councils.

SECTION 8. The councils of any city of the second class may, by ordinance, dissolve any city hall commission heretofore created, and all duties hitherto performed by any such commission shall thenceforth devolve upon and be performed by the select and common council of such city.

City hall commission heretofore created, may be dissolved.

SECTION 9. The councils of any city of the second class shall have the power, whenever any street or avenue therein shall have been heretofore directed to be improved under the provisions of any special law, to curtail the length or width of such street or avenue improvement; and in exercising this power they shall prescribe such regulations as will permit the provisions of said special law to be carried into effect; and said councils shall power to determine whether the whole or any part of the sidewalks of any street or avenue, improved under general or special law, shall be paved.

Powers of councils over any street improvements.

May determine whether sidewalks shall be paved.

SECTION 10. That in lieu of any existing authority the councils of any city of the second class shall have exclusive supervision of the official conduct of all city officers, and shall examine the grounds of all reasonable complaints made against any of them, (with the exception of police officers,) and shall cause all their violations and neglect of duty to be promptly punished or reported to the proper tribunal for correction, and for the purposes aforesaid they are hereby authorized to issue subpoenas, attested by the presidents and clerks of councils, under the seal of the city, for the attendance of such witnesses as they may deem necessary: *Provided always*, That nothing in this section shall be deemed in any way to interfere with the power of the law courts over city officers: *And provided further*, That any citizen sustaining damage by reason of the acts of any city official may institute proceedings in any of the law courts for redress of the injuries complained of.

Of the supervision of conduct of city officers.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

## No. 11.

### AN ACT

To provide for the ordinary expenses of the executive, legislative and judicial departments of the commonwealth, interest on the public debt, and for common schools, for the year Anno Domini one thousand eight hundred and seventy-five.

SECTION 1. *Be it enacted, &c.*, That the following sums be and the same are hereby specifically appropriated to the several objects hereinafter named, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and seventy-five, and to be paid out of any moneys in the treasury not otherwise appropriated:

Appropriations.

SECTION 2. For the payment of the salaries of the state officers, the clerks and employees in the several departments of the state government, and for the incidental expenses of the said departments, the sum of one hundred and seventy-five thousand dollars, or so much thereof as may be necessary,

Salaries of officers and employees, and expenses of departments.

the same to be paid by the state treasurer in the amounts and in the manner prescribed by law.

Common and normal schools.

SECTION 3. For the support of the common schools for the school year which will begin on the first Monday in June, Anno Domini one thousand eight hundred and seventy-five, to be paid on warrants to be drawn by the superintendent in favor of the several school districts of this commonwealth, the sum of one million dollars, inclusive of the salaries of the county superintendents, and inclusive of the sum of twenty-eight thousand dollars for the education of teachers in the normal schools of this commonwealth, to be applied in the same way and under the same conditions as a similar appropriation was directed to be applied by the general appropriation act, approved the eleventh day of April, one thousand eight hundred and sixty-six: *Provided*, That each student in a normal school drawing an allowance from the state must receive regular instruction in the science and art of teaching, in a special class devoted to that object, for the whole time such an allowance is drawn; in the allowance to soldier students to normal schools no distinction shall be made on account of age; and that all examinations of the graduating class at the normal schools shall be conducted by a board, of which the state superintendent or his deputy shall be president, of two principals of normal schools, of whom the principal of the school where students are under examination shall be one, and two county, city or borough superintendents of the district in which the school is located, to be appointed by the state superintendent: *Provided*, That the city of Philadelphia shall be entitled to a proper proportion of this appropriation without contributing to the salaries of the county superintendents; and that out of the amount received by the city of Philadelphia there shall be paid three thousand dollars to the teachers' institute of the said city, and three thousand dollars to the Philadelphia School of Design for Women, for their corporate purposes.

Public printing and binding.

SECTION 4. For the public printing, folding, stitching and binding, fifty thousand dollars, or so much thereof as may be necessary, on settlement of the accounts of the public printer according to law, the account for the same to be audited and settled in the usual manner by the auditor general.

Publisher of Legislative Record.

SECTION 5. To the publisher of the Legislative Record, ten dollars and forty cents per page, in accordance with the contract, and for printing wrappers for the same, nine dollars for each member of the house and senate, according to the contract, the amount to be settled by the auditor general, as per contract; and for making out an index to the Record the further sum of three hundred dollars.

Public buildings and grounds.

SECTION 6. For necessary repairs and improvements to the public buildings and grounds, six thousand dollars, or so much thereof as may be necessary.

For the purpose of laying a brick pavement around the new extension to the capitol grounds, on Walnut and Fourth streets, fifteen hundred dollars, or so much thereof as may be necessary.

For re-laying the pavement on Third street, fifteen hundred dollars, or so much thereof as may be necessary.

For grading the new extension to the capitol grounds, laying gravel walks and planting trees, fifteen hundred dollars, or so much thereof as may be necessary.

For necessary repairs and improvements at the executive mansion, one thousand dollars.

For winding and oiling the clock on the capitol and repairing the same, the sum of one hundred and twenty-five dollars, to be paid on account certified by the clerks of the two houses; and the superintendent is hereby required to make a detailed statement of his expenditures to the next session of the legislature.

SECTION 7. For the payment of the city of Harrisburg, for supplying the public buildings with water, according to the act of twenty-eighth of April, Anno Domini one thousand eight hundred and forty, the sum of six hundred dollars, or so much thereof as may be necessary; and also for gas for the public buildings and walks, such amount as may be found due the Harrisburg Gas Company, on the contract with the company, and upon a regular account being rendered to the auditor general, who is hereby authorized to examine and settle the same, in the same manner as other accounts are settled in said department, in pursuance of its charter and supplements, to be paid on the warrant of the auditor general.

Water and gas for public buildings and grounds.

SECTION 8. For the fire companies of the city of Harrisburg, the sum of seven hundred dollars, to be distributed in equal amounts to and among said companies.

Fire companies, Harrisburg.

SECTION 9. For the payment of the salaries and mileage of the president and other law judges of the several courts of common pleas in this commonwealth; the judges of the supreme court and the judges of separate orphans' courts, the sum of four hundred and fifty thousand dollars, or so much thereof as may be necessary, and for the payment and mileage of the associate judges of the courts of this commonwealth, the sum of sixty thousand dollars, or so much thereof as may be necessary.

Salaries and mileage of judges.

SECTION 10. For the payment of the expenses of the legislature, including the pay and mileage of members, clerks and officers of each house, appointed for the session of one thousand eight hundred and seventy-five, and the amount authorized by law for stationery and postage, the sum of three hundred and seventy-five thousand dollars, or so much thereof as may be necessary.

Expenses of legislature.

For the librarian of the senate and journal clerk of the house, one thousand dollars each, for four months' extra service during the recess; the librarian of the senate to place sixty copies of the Legislative Record at the public bindery to be bound, fifty-four copies for the use of senators, lieutenant governor and principal clerks, four for the state library, and two to be reserved for the senate library, the same to be distributed by the librarian to the senators and clerks; the resident clerk of the house shall receive from the state printer the bound copies of the Legislative Record, and

Librarian of Senate and journal clerk of House.

Distribution of Legislative Record.



Chief clerk of House.

forward a copy to each member of the house; to the chief clerk of the house for extra clerical services, eight hundred dollars.

Interest on State debt.

SECTION 11. For the payment of the interest of the funded debt of the commonwealth, which falls due on the first days of July and August, Anno Domini one thousand eight hundred and seventy-five, and the first days of January and February, Anno Domini one thousand eight hundred and seventy-six, the sum of one million four hundred and twenty thousand dollars, or so much thereof as may be necessary.

Interest on Chambersburg certificates.

SECTION 12. For the payment of the interest on certificates of the loans issued for the relief of the citizens of Chambersburg for war damages, the sum of five thousand dollars, or so much thereof as may be necessary.

Miscellaneous expenses in offices of resident clerk of House and clerk of Senate.

SECTION 13. For the payment of postage, labor and other miscellaneous expenses in the office of resident clerk of the house of representatives during the recess, the sum of twelve hundred dollars, and for similar expenses in the office of the clerk of the senate, the sum of six hundred dollars, or so much thereof as may be necessary, to be settled by the auditor general in the usual manner.

George H. Cutler and H. H. McCormick.

To George H. Cutler, speaker of the senate, and Henry H. McCormick, speaker of the house during the session of 1874, one hundred and fifty dollars each, for their expenses in coming to Harrisburg, in June, 1874, to open the bids and award the contracts for publishing the Legislative Record, as required by law.

Indexing journals of legislature.

To pay to each of the chief clerks, for the expenses of indexing the journals, the sum of two hundred and fifty dollars.

Stationery and fuel for legislature and departments, distribution of laws, &c.

SECTION 16. The state treasurer is hereby authorized and directed to pay out of any moneys in the treasury not otherwise appropriated, such sum as may be required by contract made in pursuance of law for the payment of stationery, printing, paper, and fuel, furnished to the two houses of the legislature, and the several departments of the government, and the printing, binding and distribution of the laws, journals and department reports, and for the annual repairs to and furnishing of the chambers of the two houses of the legislature.

Rent of powder magazine, Philadelphia.

SECTION 17. For the payment of the rent of the powder magazine situate on Clarkner's lane, in the Twenty-sixth ward of the city of Philadelphia, described fully in lease made and executed by John Woodside to Alexander L. Russell, adjutant general, dated May seventh, one thousand eight hundred and seventy-three, the sum of nine hundred and twelve dollars, and for taxes thereon to the city of Philadelphia, four hundred dollars, or so much thereof as may be necessary. For the expenses of re-furnishing the office of the adjutant general, two hundred dollars.

Taxes on magazine.

Re-furnishing adjutant general's office.

Undrawn balances to revert to treasury

SECTION 18. All balances of appropriations not drawn upon at the end of three months after the expiration of the fiscal year for which the appropriation was made, shall revert to the treasury, and shall then be duly covered into the same.

SECTION 19. To M. S. Quay, secretary of the commonwealth, six hundred dollars, for preparing steel plates, and printing therefrom engravings of the state capitol and the state house at Philadelphia, for use and exhibition at the centennial celebration, in 1876. M. S. Quay, secretary of the commonwealth, for certain services.

SECTION 20. For expenses of commission to correct arms of this state, under joint resolution of 30th April, A. D. 1874, including the emblazoning of said arms for record in office of secretary of commonwealth, the sum of three hundred dollars, or so much thereof as may be necessary, to be paid upon the certificate of the governor. Commission to correct arms of State.

SECTION 21. For the payment of the officials' fees, and witnesses' fees, in certain cases in which this commonwealth is a party, the sum of one thousand dollars, or so much thereof as may be necessary, the money to be paid upon the warrant of the attorney general. Payment of fees in commonwealth cases.

SECTION 22. That one thousand dollars and mileage be paid to the legal representatives of all the deceased members sworn in during this session of the legislature. Legal representatives of deceased members.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

## No. 12.

### A SUPPLEMENT

To an act, entitled "An Act dividing the cities of this state into three classes, regulating the passage of ordinances, providing for contracts for supplies and work for said cities, authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same, defining and punishing certain offences in all of said cities, and providing for the incorporation and government of cities of the third class," approved May twenty-third, Anno Domini one thousand eight hundred and seventy-four.

SECTION 1. *Be it enacted, &c.,* That it shall be lawful for cities of the third class, in their corporate capacities, to provide, by ordinance or ordinances, for the assessment and collection of taxes not exceeding one per centum upon the assessed valuation, in any year, on all persons, real and personal property, and all other matters and things within said respective cities, taxable for state and county purposes, for the payment of loans to support the government and make the necessary improvements in said respective cities; and the judges of the court of common pleas of the county in which said city shall be situated, shall have power and are hereby required to appoint, immediately upon the passage of this act, upon the application of city councils, and every third year thereafter, with additional power to fill vacancies and make removals for neglect of duty, one assessor in each ward of the city, whose term of office shall be for a period of three years, and whose duties shall be to assess property for city purposes only. Such assessors shall make a full and complete valuation and assessment of all taxable property, of Third class cities may levy tax to pay loans for support of government, &c.

Court of common pleas to appoint an assessor for each ward.

Term of office.

Duties.

whatever kind, in their respective wards, every third year, beginning with the first year of their appointment, and during the two years following; such assessment shall by them be so far modified as the change of ownership and the improvements made in such property may require; such assessment and modification thereof shall be deemed and considered as the annual assessment required in any city by existing laws. That in all cities of the third class, all real estate and the improvements thereon shall, for taxable purposes, be classified and arranged in three classes, as follows: The first class shall include such as shall be occupied in whole or in part by stores, hotels, boarding houses, saloons, offices, banks, bankers, storage places, lumber yards, or as places where any and all other kind or kinds of business may or shall be controlled or carried on, and all such as may not be embraced in the second and third class, excepting, however, such as may be used and occupied exclusively as manufacturing establishments. The second class shall include such as shall be used for private dwellings, with the out-buildings, together with the lot or portion of ground used in connection with said improvements and garden, not exceeding, in the aggregate, two acres, and also those used exclusively as manufacturing establishments; and the third class shall include all such as shall be held and used for agricultural, horticultural and farm purposes, and such as may be wholly vacant and unimproved; but no improvements shall be subject to pay a tax until the same shall be completed or ready for use and occupation. That all taxes authorized to be collected in said cities, whether for general or special purposes of such city of the third class, shall be assessed, levied and collected, as follows: Upon property of the first class, a full rate, and upon property of the second class, a two-thirds rate, and upon property of the third class, a one-half rate. The assessors shall, in all cases, value property at such sums as the same would separately bring at a fair public sale thereof. The salary and mode of payment of assessors out of the funds of the city treasury, days of appeal, notice to tax-payers of the amount of their respective valuations and assessments, and of the days when appeal shall be heard, shall be provided for by ordinance. And for purposes of appeal, a committee on tax of seven or nine, as councils may determine, to be appointed by the councils, shall constitute the board of appeal and revision, whose decision upon the amount of valuation and assessment shall be final. Said assessors and members of board of appeal and revision, before entering upon the discharge of their duties, shall take and subscribe an oath before the mayor of said city, or some duly qualified alderman thereof, to perform their duties with impartiality and fidelity. Any assessor who shall neglect or refuse to perform any duty enjoined by this act, without legal or reasonable cause, shall be subject to a penalty of one hundred dollars. From the political party in the minority in said councils upon joint ballot, there shall be appointed in said board, at least three members of said committee on tax, if the committee consist of seven, and at least four members, if said committee consist of nine. All taxes assessed and levied

Classification of real estate.

Rates of taxation.

How property to be valued.

Salaries, days of appeal, &c.

Board of appeal and revision.

Assessors and members of board to be sworn.

Penalties on assessors for neglect of duty.

Minority representation in board.

upon real estate, in pursuance of this act and the laws and ordinances of said city, shall be a lien on such real estate from the time of such levy, and the lien hereby created shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, debt, obligation or responsibility which the said real estate may become charged with or be liable to, from and after the passage of this act; nor shall the defendant or defendants, or other persons, on any writ of *fieri facias*, *venditioni exponas* or *levari facias*, be entitled to claim any exemption under a levy and sale of any real estate charged with such tax against the allowance or payment of the same.

Taxes to be a prior lien on real estate.

No claim of exemption under levy and sale.

SECTION 2. The city councils shall cause to be published once in each year, in the month of January, or as soon as possible hereafter, not later than sixty days, a statement of receipts and expenditures of the city, and statement of the financial condition of the city, showing all of its liabilities, permanent and temporary, a schedule of its assets, which shall be published in at least two newspapers, of different political complexion, published in such city, for three successive issues.

Statement of receipts and expenditures to be published.

SECTION 3. The select and common councils shall hold stated meetings regularly at least twice in each month, at intervals of not less than ten days; at such times said councils may, by ordinance, direct and hold special meetings at such other times as they may deem necessary.

Meetings of councils.

SECTION 4. Each of the wards of said city shall have one member of the select council of the said city, who shall be an inhabitant of the ward from which he shall be elected, and who shall be qualified to serve as a member of the senate of the commonwealth, to serve for three years; and each of the said wards shall have two members of the common councils of the said city to serve for two years, and shall have, in addition thereto, one member of the common council of the said city for every four hundred taxable inhabitants and for every fraction thereof exceeding in number three hundred, all of whom must be inhabitants of the wards from which they are elected, and qualified to serve as a member of the house of representatives of the commonwealth.

Representation in councils, and qualifications of councilmen.

SECTION 5. The annual assessment for all taxes levied in said city shall be completed on or before the first day of June, in each and every year; and upon the duplicates having been made, as may be directed by the proper authorities, the same shall be placed in possession of the city treasurer, on or before the first day of July, in each and every year, who shall receive and collect said taxes; and after the first day of September, in each and every year, the additional sum of five per centum shall be added to all the taxes then remaining unpaid in the duplicates; and after the first day of October, in each and every year, an additional sum of five per centum shall be added to all the taxes then remaining unpaid in the duplicates; after which date the said duplicates shall be placed in the hands of collectors, who shall be appointed by the city treasurer, and who shall receive for their services such compensation as shall be authorized by councils. After the first day of January, in each and every year, the

When annual assessment to be completed.

Collection of taxes.

city treasurer shall place correct and detailed statements of taxes remaining unpaid in the hands of the city solicitor, who shall forthwith proceed to collect the same, in the manner provided for by existing laws: *Provided*, That no city of the third class, nor any city of less population than ten thousand inhabitants, heretofore incorporated, shall become subject to the foregoing provisions of this act, until the same are accepted by an ordinance, duly passed by a majority of the members elected to each branch thereof voting in favor of the same, and approved by the mayor; and all acts or parts of acts inconsistent herewith, are hereby repealed.

Of annexation of  
adjacent territory.

SECTION 6. That whenever the court of quarter sessions decree the annexation of out-lots and sections of land to any city of the third class, as authorized by the sixteenth section of the act to which this is a supplement, it shall be the duty of the said court, upon the petition and proof, as hereinafter required, to make such further order or decree as will give to the people of the annexed territory representation in the different branches of government of said city, by including said territory within the limits of an adjacent ward or wards, the petition to include the said territory within the limits of an adjacent ward or wards, shall be signed by a majority of the electors residing therein, and shall be accompanied by the affidavit of two or more of the petitioners, that they have canvassed the district named in the petition, and that the same is signed by a majority of the electors residing therein: *Provided*, That when the number of taxable inhabitants residing in said annexed territory exceed three hundred at the time of annexation, it shall be erected into a separate ward; and be entitled to representation in all the branches of the city government, as other wards of said city; and said court may, in case of the erection of a new ward, appoint the election officers and place for holding the first election of ward officers, and for that purpose may order a special election, if said court shall deem the same necessary, to be conducted in the manner now provided by law for conducting municipal elections. The officers elected at such special elections shall hold their respective offices until their successors, who are hereby required to be elected at the annual election held on the third Tuesday of February next succeeding the same, shall be duly qualified.

APPROVED—The 18th day of March, A. D 1875.

J. F. HARTRANFT.

## No. 13.

## AN ACT

Making appropriations for the maintenance of the Hospital for the Insane for the Northern District of Pennsylvania, at Danville, for the completion of the north wing and for finishing the north wing, and to re-imburse the hospital for insurance.

SECTION 1. *Be it enacted, &c.*, That the following sums be and the same are hereby specifically appropriated to the Hospital for the Northern District of Pennsylvania, for the year one thousand eight hundred and seventy-five, to be paid out of the moneys in the treasury not otherwise appropriated: For maintenance of institution the sum of twenty thousand dollars; for the completion of the north wing, twenty-five thousand dollars; for finishing the north wing, nine thousand four hundred and fifty dollars; to re-imburse the hospital for the insurance, one thousand five hundred dollars.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

## No. 14.

## AN ACT

Making appropriations for the salaries of the officers and for repairs to the Western Penitentiary and for books and stationery for prisoners.

SECTION 1. *Be it enacted, &c.*, That the following sums be and the same are hereby specifically appropriated to the Western Penitentiary for the several objects hereinafter named, for the year commencing on the first day of June, one thousand eight hundred and seventy-five, to be paid out of any money in the treasury not otherwise appropriated, in quarterly payments on the fifteenth day of June, September and December, one thousand eight hundred and seventy-five, and on the fifteenth day of March, one thousand eight hundred and seventy-six:

For the payment of salaries of officers, the sum of twenty-four thousand five hundred dollars.

For new boilers, the sum of five thousand dollars.

For new water pipe, the sum of six hundred dollars.

For books and stationery for prisoners, the sum of two hundred and fifty dollars.

For each discharged convict from the city of Pittsburg, or whose residence is within fifty miles thereof, the sum of five dollars.

For every convict whose residence is fifty miles or over from the penitentiary, the sum of ten dollars.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 15.

## AN ACT

Making an appropriation for pensions and gratuities.

SECTION 1. *Be it enacted, &c.,* That the sum of fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the payment of pensions and gratuities authorized by law for the year commencing on the first day of June, Anno Domini one thousand eight hundred and seventy-five, to be paid out of any moneys in the treasury not otherwise appropriated.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 16.

## AN ACT

Making an appropriation for the support of the Pennsylvania Institution for the Instruction of the Blind.

SECTION 1. *Be it enacted, &c.,* That the following sum be and is hereby specifically appropriated to the Pennsylvania Institution for the Instruction of the Blind, for the year commencing on the first day of June, one thousand eight hundred and seventy-five, to be paid out of any moneys in the treasury not otherwise appropriated :

For the maintenance of one hundred and thirty pupils, the sum of thirty-nine thousand dollars, to be paid proportion to the number of indigent pupils from the several counties of the commonwealth, at the rate of three hundred dollars for each pupil, the evidence of which to be furnished to the state treasurer.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 17.

## AN ACT

Making an appropriation for the support of the House of Refuge in Philadelphia.

SECTION 1. *Be it enacted, &c ,* That the sum of thirty-five thousand dollars be and the same is hereby specifically appropriated to the House of Refuge, in Philadelphia, for the support of the institution for the year commencing on the first day of June, Anno Domini one thousand eight hundred and seventy-five, the above the above appropriation to be paid out of any moneys in the treasury not otherwise appropriated, quarterly, on the fifteenth days of July and October, Anno Domini

one thousand eight hundred and seventy-five, and the fifteenth days of January and April, Anno Domini one thousand eight hundred and seventy-six.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

### No. 18.

#### AN ACT

To provide for the current expenses of the Board of Public Charities.

SECTION 1. *Be it enacted, &c.*, That the following sums be and the same are hereby specifically appropriated for the expenses of the Board of Public Charities, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and seventy-five, to be paid out of any moneys not otherwise appropriated, on vouchers duly presented and audited by the auditor general in the usual manner: For the salary of the general agent and secretary of the board, three thousand dollars; for postage, telegrams, express charges, et cetera, six hundred dollars, or so much thereof as may be necessary; for rent of office, fuel, cleaning office, et cetera, eight hundred dollars, or so much thereof as may be necessary; for stationery, one hundred dollars, or so much thereof as may be necessary; for actual traveling or other necessary expenses of the commissioners and general agent of the board, the sum of one thousand dollars, or so much thereof as may be necessary; for the employment of necessary clerical aid in the office of the board, the sum of three thousand dollars, or so much thereof as may be necessary.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

### No. 19.

#### AN ACT

Appropriating money for the propagation and protection of fish.

SECTION 1. *Be it enacted, &c.*, That should the state of New Jersey appropriate funds for the artificial propagation of shad in the river Delaware, during the fishing season of the current year, one thousand eight hundred and seventy-five, the board of fishery commissioners are authorized to apply and employ a similar amount for the same purpose: *Provided*, The said amount shall not exceed the sum of three thousand dollars: *And provided further*, That the said sum, not exceeding three thousand dollars, is hereby appropriated for that purpose, to be paid by the state treasurer upon the warrants of the said board of fishery commissioners, from time to time, as the same may be necessary, whenever a certificate of the appropriation and action of the state of New Jersey shall be filed in the office of the state treasurer, authenticated as required by the laws of the said state.

Appropriation for propagation of shad in the Delaware.



Appropriation for  
hatching fish, ex-  
penses of commis-  
sioners, &c.

SECTION 2. That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for expenditure during the present and coming fiscal year, out of any moneys in the state treasury not otherwise appropriated, to be paid by the state treasurer on the warrant or warrants of the said commissioners, or a majority of them, for the purpose of hatching and propagating useful tribes of food fishes, and to stock and supply all streams, lakes and fresh waters of the commonwealth with the same, by distributing the impregnated spawn or fry, or adult fish, of the said tribes of fishes to all parts of the state under proper regulations, and for the dissemination of any varieties of fish in the waters of the state, and to employ the necessary labor, assistance, material and implements therefor, and to pay the necessary and reasonable expenses of the said fishery commissioners, and the salaries of the fish wardens and water bailiffs they may appoint: *Provided*, That the said commissioners shall file annually with the auditor general an account of all moneys expended and services rendered and produced, and file the proper vouchers for the same.

Commissioners to  
account to auditor  
general.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

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No. 20.

### AN ACT.

Making appropriations for the support of the Pennsylvania Training School for Feeble-Minded Children at Media.

SECTION 1. *Be it enacted, &c.*, That the sum of twenty-three thousand dollars be and the same is hereby specifically appropriated to the Pennsylvania Training School for Feeble-Minded Children for the year commencing on the first day of June, one thousand eight hundred and seventy-five, for the maintenance and training of one hundred feeble-minded children of the commonwealth: *Provided*, The representative districts of this commonwealth shall be entitled to send to said institute a number of persons proportioned to the number of their representatives on the floor of the house of representatives, (the whole number not to exceed one hundred:) *Provided also*, That so long as applications in behalf of indigent feeble minded children are pending for admission to said training school, no additional paying patient shall be received.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 21.  
AN ACT

To correct an error in designating the judicial district composed of the counties of Wyoming and Sullivan and affixing a correct number to the same.

WHEREAS, By an act, entitled "An Act designating the judicial districts of the commonwealth and providing for the appointment and election of judges therein, for issuing to additional judges learned in the law commission as president judges, and the manner of fixing the terms of courts therein," approved the ninth day of April, eighteen hundred and seventy-four, it was provided that the counties of Columbia, Sullivan, Wyoming and Montour should compose a judicial district, numbered and designated as the Twenty-sixth district, and that the county of Berks should compose a judicial district, numbered and designated as the Twenty-third district, and that the counties of Carbon and Monroe should compose a judicial district to be numbered as the Forty-third judicial district:

Preamble.

And whereas, By an act, entitled "A supplement to an act, approved April ninth, eighteen hundred and seventy-four, entitled 'An Act designating the judicial districts of this commonwealth,'" it is provided that the counties of Wyoming and Sullivan should be detached from the Twenty-third district, said district being the county of Berks, and should constitute a separate judicial district which is thereby designated as the Forty-third judicial district, that being the same numerical designation annexed to the district composed of the counties of Carbon and Monroe; therefore,

SECTION 1. *Be it enacted, &c.*, That the said supplement, approved the nineteenth day of May, eighteen hundred and seventy-four, is and shall be hereby amended and corrected so that the words or number "twenty-third," in said supplement, shall be changed to the word or number, "twenty-sixth," and the judicial district composed of the counties of Wyoming and Sullivan is hereby designated and numbered the Forty-fourth judicial district, and all commissions heretofore issued to any judicial officer in the said Forty-fourth district, shall be good and valid to all intents and purposes, although said district may therein have been erroneously designated as the Forty-third district.

Error corrected.

District designated the 44th.

SECTION 2. That all acts, or parts of acts, inconsistent herewith, be and the same are hereby repealed.

Repeal.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTMAN.

## No. 22.

## AN ACT

To amend an act, entitled "An Act to authorize married women owning loans of this commonwealth or of the city of Philadelphia, or capital stock of any corporation of this commonwealth, to sell and transfer the same," approved the first day of April, Anno Domini one thousand eight hundred and seventy-four, extending the provisions of said act so as to include the loans as well as the capital stock of corporations of this commonwealth.

SECTION 1. *Be it enacted, &c.,* That an act to authorize married women owning loans of this commonwealth or of the city of Philadelphia, or capital stock of any corporation of this commonwealth, to sell and transfer the same, approved April first, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows: That it shall and may be lawful for any married woman owning any of the loans of this commonwealth or of the city of Philadelphia, or any of the loans, or share or shares, of the capital stock of any corporation, created by or under the laws of this commonwealth, to sell and transfer the same with the like effect as if she were unmarried.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

## No. 23.

## AN ACT

To make appropriation for the Pennsylvania State Lunatic Hospital at Harrisburg.

SECTION 1. *Be it enacted, &c.,* That the sum of twenty-five thousand dollars be and the same is hereby appropriated to the Pennsylvania State Lunatic Hospital at Harrisburg, for the support of the house; ten thousand dollars for necessary repairs and improvements to the building, and seventeen thousand dollars for the payment of old indebtedness.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

## No. 24.

## AN ACT

Making appropriation for the annual salaries of the officers of the Pennsylvania Reform School.

SECTION 1. *Be it enacted, &c.,* That the sum of sixteen thousand five hundred dollars is hereby appropriated for the payment of the salaries of the officers of the Pennsylvania Reform School, for the ensuing year: *And provided further,* That ministers of any religious belief may visit the inmates at any

time, whether sick or well, and to give them private religious instruction, without the presence or interference of any officer of the institution.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 25.

AN ACT

Relating to the courts of this commonwealth.

SECTION 1. *Be it enacted, &c.*, That in every judicial district of this commonwealth, in which more than one judge learned in the law is now or hereafter shall be authorized to act, it shall be lawful for the president judge and the additional law judge or judges of such district, severally, to try causes on the same trial list, and with one and the same panel of jurors; or it shall be lawful for said judges, at the same time, to hold separate courts for the trial, hearing and disposition of causes in the common pleas, orphans' court,oyer and terminer, quarter sessions, and in equity; and the courts of such districts may direct, at any term, separate *venires* to issue for a succeeding term or period for each branch thereof, in the manner provided by law for ordinary *venires* in the common pleas, and to regulate the trial list for said separate courts, issue subpoenas, and make all orders which may be judged necessary and convenient; motions, arguments and decrees may be made in either branch of said courts, and the associate judges may sit in the same.

Holding of separate courts, authorized in certain districts..

Courts may direct separate *venires* to issue, regulate trial list, &c.

Motions, arguments, &c.

SECTION 2. Whenever necessary, it shall be the duty of the prothonotary, district attorney and clerks of the several courts to appoint or detail such clerks or deputies as shall enable the several judges to properly dispose of the business before their respective courts.

Prothonotary, district attorney, &c., to appoint deputies..

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 26.

AN ACT

Repealing the proviso in section one of an act, entitled "An Act to provide for the education and maintenance of the destitute orphans of deceased soldiers and sailors, and the destitute children of permanently disabled soldiers and sailors of the state," approved the fifteenth day of May, Anno Domini one thousand eight hundred and seventy-four.

SECTION 1. *Be it enacted, &c.*, That the proviso in section one of an act, entitled "An Act to provide for the education and maintenance of the destitute orphans of deceased soldiers and sailors, and the destitute children of permanently disabled soldiers and sailors of the state," approved the fifteenth day of May, Anno Domini one thousand eight hundred and

seventy-four, be and the same is hereby repealed, and from and after the passage of this act, the said section shall read as follows :

That all the children of deceased soldiers, who were formerly residents of this state, and enlisted into the service of the United States in regiments belonging to other states, and died in said service, such children now residents of this state, and the children of deceased, destitute, or permanently disabled soldiers or sailors, whether born after or before January first, one thousand eight hundred and sixty-six, shall be admitted into the soldiers' orphan schools on the same conditions as the orphans of deceased soldiers and sailors are now admitted.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

### No. 27.

#### A SUPPLEMENT

To an act, approved the first day May, one thousand eight hundred and seventy-three, entitled "An Act to amend and consolidate the several acts relating to game and game fish."

SECTION 1. *Be it enacted, &c*, That the first section of said act be amended so as to read as follows, namely : That no person shall kill or pursue, in any part of this state, any elk, or wild deer, save only from the first day of September to the first day of December in any year. No person shall have in his or her possession, or offer for sale, or transport, any elk, or wild deer, or fresh venison, save only from the first day of September to the first day of December, in any year. No person shall, at any time, kill any fawn when in its spotted coat, or have the fresh skin of such fawn in his or her possession. No person shall pursue any elk or wild deer with dogs, in any part of this state, or shall kill, in the water, any such elk, or wild deer, or fawn, which has been driven thereto by dogs. No person shall, in any part of this state, set any trap, or any other device, at any artificial salt lick, or other place, for the purpose of trapping any elk, deer, or fawn, and catch or kill the same, except for consumption in his or her family; any person offending against any of the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of fifty dollars for each elk, wild deer, or fawn, so killed, pursued or trapped, or fresh elk, wild deer, or fawn skin had in his or her possession, and may be proceeded against in any county of the state wherein he may be arrested, having the same in his or her possession : *Provided however*, That any person may sell, or have in his or her possession, the elk or wild deer aforesaid between the first day of December in any year and the first day of February next following, without liability to the penalty herein imposed : *Provided*, He shall prove that such game, if killed in this state, was killed within the time allowed by this act, or was killed outside of the limits of this state, and at some

place where the law did not prohibit such killing. Dogs pursuing elk, or wild deer, or fawns, may be killed by any person; and any constable, or other town official, may kill any dog that habitually pursues elk, wild deer or fawns, and the owner of such dog shall be liable to a penalty of ten dollars for each elk, wild deer, or fawns, killed by such dog: *Provided*, That this act shall be so construed as not to change or alter the act to which it is a supplement, nor to change or alter any supplement thereto, except only as to the time during which it shall be lawful to kill or pursue any elk, or wild deer, in any way, part of this state.

• APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

#### No. 28.

#### A SUPPLEMENT

To an act regulating the election of secretary of internal affairs, approved eleventh day of May, one thousand eight hundred and seventy-four, relative to the management of said office.

SECTION 1. *Be it enacted, &c.*, That the commissioners of public buildings together with the secretary of internal affairs, are hereby authorized and directed to make such additions to the building known as the office of the land department, as may be necessary for the proper performance of the duties imposed upon that officer by the provisions of the constitution.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

#### No. 29.

#### AN ACT

To authorize the outgoing sheriffs in all counties where said sheriffs are paid by salary to deliver to their successors all unfinished and unexecuted writs and process of every description.

SECTION 1. *Be it enacted, &c.*, That it shall be the duty of every outgoing sheriff in any county where he is paid by salary for his services as such sheriff, to hand over to his successor in office all unfinished and unexecuted writs and process whatsoever, whose duty it shall be to receive and execute the same as if said writs and process had been originally issued and directed to him.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

## No. 30.

## A SUPPLEMENT

To an act to authorize the formation and regulation of railroad corporations, approved April four, Anno Domini one thousand eight hundred and sixty-eight.

SECTION 1. *Be it enacted, &c.*, That whenever, under the provisions of the act approved the fourth day of April, Anno Domini one thousand eight hundred and sixty-eight, entitled "An Act to authorize the formation and regulation of railroad companies," any number of citizens of Pennsylvania, not less than nine, may be desirous of forming a company for the purpose of constructing, maintaining and operating a railroad, having a gauge not exceeding three feet, for public use in the conveyance of persons and property, they may state in the articles of association which they are required to make and sign the capital stock of the company at six thousand dollars or any greater amount for every mile of road proposed to be constructed; and that said articles of association may be filed and recorded in the office of the secretary of the commonwealth when three thousand dollars of stock for every mile of railroad proposed to be made is subscribed, and ten per centum paid thereon in good faith and in cash to the directors named in said articles of association.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

## No. 81.

## AN ACT.

To authorize the judges of the several courts throughout the commonwealth to fix the number of the regular terms of said several courts and the times for holding the same, the time for summoning the grand jury and for the returns of constable, alderman and justices of the peace to the same.

SECTION 1. *Be it enacted, &c.*, That the judges of the several courts throughout the commonwealth, shall be authorized at any time hereafter to make an order fixing the number of the regular terms of the said several courts and establishing the times for holding the same, as in the opinion of the said judges the business may require, which order and all modifications or changes thereof shall be published in not less than two newspapers in each county of the district at least thirty days before the time so fixed for the taking effect of said order.

Judges may fix terms of courts, and times for holding same.

May direct that grand jury be summoned to meet prior to term time.

SECTION 2. That it shall be lawful for the said judges whenever the times for holding the terms of the courts of oyer and terminer and courts of quarter sessions of the peace have been established as aforesaid, to direct that the grand jury for any of the said terms shall be summoned, in the same manner as required under existing laws, to meet at such time prior to the holding of said terms as the judges of the said

courts shall deem expedient; and if in the opinion of the said judges the business of the said courts at any time shall require it, the grand jury may be detained for an additional week without the issuing of a new *venire*, and the attendance of prosecutors and witnesses may be enforced during such additional week by all proper orders and process.

Grand jury may be detained for an additional week.

SECTION 3. That whenever the judges of the said courts shall fix the times for the meeting of the grand jury, as provided in the second section of this act, it shall be the duty of constables, aldermen and justices of the peace to make all such returns to the said courts as they are required under existing laws to make on the day fixed as aforesaid for the meeting of the grand jury.

Duty of constables, aldermen and justices.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

### No. 32.

#### AN ACT

Relating to orphans' courts.

SECTION 1. *Be it enacted, &c.*, That the judges of the separate orphans' courts of this commonwealth, respectively, shall have power and are hereby authorized to establish, in their discretion, such rules and regulations as they may deem proper for the publication of advertisements of notices of the auditing of accounts of executors, administrators, guardians or trustees, of notices of sales of real estate under proceedings in said court, of notices to parties in proceedings in partition, and all other cases within their jurisdiction: *Provided*, That said court shall have supervision of and regulate the cost of such publication in all cases as well by special order in particular cases as by general rules; that said courts shall establish a bill of costs to be chargeable to parties and to estates before them for settlement, for the services of the clerks of said courts, respectively, in the transaction of business of said courts.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

### No. 33.

#### AN ACT

In relation to the payment of the costs and expenses of the division of election districts.

SECTION 1. *Be it enacted, &c.*, That in all cases of the division or creation of election districts by the court of quarter sessions of any county in this commonwealth, the said court shall order the costs and expenses thereof to be paid from the treasury of the proper county, and on such order being made the county commissioners shall draw their warrant for the payment of the same.

Court may order costs to be paid by county.



Applicable to cases wherein costs not already paid.

SECTION 2. This act shall apply to the case of the division or creation of all election districts, wherein the costs and expense have not already been paid.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

### No. 34.

### AN ACT

To authorize changes of venue in criminal cases.

Venue may be changed on application of defendants.

For what causes changes may be made.

SECTION 1. *Be it enacted, &c.,* That in criminal prosecutions the venue may be changed, on application of the defendant or defendants, in the following cases :

*First.* When the judge, who by law is required to try the same, is a near relative of the prosecutor, or of the defendant, or of the person injured, or has knowledge of facts which make it necessary that he should be a witness in the case.

*Second.* When, upon the application of a defendant in a felony, it is made to appear to the satisfaction of the court, that from undue excitement against the prisoner, in the county where the offence was committed, a fair trial cannot be had, or that there exists in that county so great a prejudice against him that he cannot obtain a fair trial, or that there is a combination against him, instigated by influential persons, by reason of which he cannot obtain a fair trial.

*Third.* When upon the trial of any criminal case an unsuccessful effort has been made to procure and empanel a jury for the trial of the defendant, and it shall be made to appear to the court by the written affidavit of some credible witness that a fair trial cannot be had.

*Fourth.* When upon a second trial of any felonious homicide the evidence on the former trial thereof shall have been published within the county in which the same is being tried and the regular panel of jurors shall be exhausted without obtaining a jury.

Applications for change.

Power of court to order change.

SECTION 2. All applications for changes of venue shall be made to the court in which the indictment shall be pending, in such manner as the said court shall direct and before the jury shall be sworn therein ; and if the said court shall be satisfied of the propriety of such change of venue, and that the causes assigned therefor are true and are within the provisions of the first section of this act, it shall be ordered that the venue thereof shall be changed to some adjoining or convenient county where the causes alleged for a change do not exist.

Copy of record to be transmitted.

How trial to be conducted.

SECTION 3. When an order for a change of venue shall be made the clerk of the court shall make out a full and complete transcript of the record and proceedings in said cause, and transmit the same, together with the indictment and all other papers on file, to the clerk of the court to which the venue is changed, which transcript shall be entered on the minutes of said court ; and the trial of said case shall be conducted in the court to which it shall be removed in all re-

spects as if the indictment had been found in the county to which the venue is changed; and the costs accruing from a change of venue shall be paid by the county in which the offence was committed.

Costs.

SECTION 4. When the court has ordered a change of venue it shall require the accused, if the offence is bailable, to enter into a recognizance with good and sufficient sureties, to be approved by the court or judge, in such sum as the court may direct, conditioned for his appearance in the court to which the venue is changed, at the first day of the next term thereof, and to abide the order of such court; and in default of such recognizance, or if the offence be not bailable, a warrant shall be issued, directed to the sheriff, commanding him to safely convey the prisoner to the jail of the county where he is to be tried, there to be safely kept by the jailor thereof until discharged by due course of law; and the court shall bind the witnesses on the part of the commonwealth to appear before the court in which the prisoner is to be tried.

Court to require accused to enter into recognizance, if offence bailable.

If not bailable, warrant to issue for his conveyance to jail.

To bind witnesses to appear.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

#### No. 35.

#### A SUPPLEMENT

To an act, entitled "An Act for the taxation of corporations," approved April twenty-fourth, Anno Domini one thousand eight hundred and seventy-four, construing the first proviso to the seventh section of said act to include coal used in the manufacture of coke.

SECTION 1. *Be it enacted, &c.*, That the first proviso to the seventh section of an act, entitled "An Act for the taxation of corporations," approved on the twenty-fourth day of April, one thousand eight hundred and seventy-four, which said proviso was intended to exempt companies liable to taxation under said section from any taxation with respect to coal consumed in the transaction of the business of any such company, shall, in all cases, be held and construed to include coal used in the manufacture of coke by any such company.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

## No. 36.

## AN ACT

Requiring recorders of deeds to prepare and keep in their respective offices general, direct and *ad sectum* indexes of deeds and mortgages recorded therein, prescribing the duty of said recorders and declaring that the entries in said general indexes shall be notice to all persons.

Recorders to keep direct and *ad sectum* indexes.

What to be entered therein.

How to be arranged

Provision as to counties where already in use, &c.

Duty of recorders when indexes are prepared.

Entry in indexes, to be notice.

Recorders to prepare indexes.

Costs.

SECTION 1. *Be it enacted, &c.*, That in the addition to the indexes which the recorder of deeds in each county of this commonwealth is required to keep, the said recorder shall carefully and accurately prepare and keep in his office two general indexes of all deeds recorded therein, in one of which, to be known as the direct index, he shall enter in their order the name of the grantor, the name of the grantee, the volume and page wherein the deed is recorded, and in the other, to be known as the *ad sectum* index, he shall enter in their order the name of the grantee, the name of the grantor, the volume and page wherein the deed is recorded. He shall in like manner also prepare and keep two general indexes, one direct and the other *ad sectum*, of all mortgages recorded in his office. Said indexes shall be arranged alphabetically and in such a way as to afford an easy and ready reference to said deeds and mortgages respectively, and shall be written in a plain and legible hand: *Provided however*, That in any county where such indexes have already been prepared and in use, or where any special law relating to any of said indexes is now in force, they shall be adopted and kept as if made in pursuance of this act.

SECTION 2. As soon as said indexes are prepared, it shall be the duty of the recorder to index in its appropriate place and manner every deed and mortgage thereafter recorded in his office, at the time the same is recorded, and in case he neglects to do so, he and his sureties shall be liable in damages to any person aggrieved by such neglect.

SECTION 3. The entry of recorded deeds and mortgages in said indexes, respectively, shall be notice to all persons of the recording of the same.

SECTION 4. In counties where no such indexes have been kept the recorders thereof are hereby authorized and required to prepare the same, the costs thereof to be paid by the county; but after said work has been done the costs of continuing the same according to the provisions of this act shall be paid by the respective recorders.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 37.  
AN ACT

To authorize the attorney general, auditor general and state treasurer, to settle all outstanding claims due for work done and material furnished the constitutional convention.

SECTION 1. *Be it enacted, &c.*, That the attorney general, auditor general and state treasurer are hereby authorized to settle with all persons having unsettled claims against the state on account of work done and material furnished for the constitutional convention, and the state treasurer is hereby authorized to pay all claims on warrants of the auditor general therefor, upon recommendation in writing from said board, including the claim of D. F. Murphy, stenographic reporter for the convention, if, upon examination, the same is found to be valid: *Provided*, That this act shall in no wise be so construed as to authorize the payment of any claim for advertising the new constitution.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

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No. 38.  
AN ACT

To punish persons for carrying concealed weapons within this Commonwealth.

SECTION 1. *Be it enacted, &c.*, That any person within this commonwealth who shall carry any fire-arms, slung-shot, handy-billy, dirk-knife, razor or any other deadly weapon, concealed upon his person, with the intent therewith unlawfully and maliciously to do injury to any other person, shall be deemed guilty of a misdemeanor, and upon the conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars and undergo an imprisonment by separate or solitary confinement not exceeding one year, or either or both, at the discretion of the court, and the jury trying the case may infer such intent as aforesaid, from the fact of the said defendant carrying such weapons in the manner as aforesaid.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 39. .

## AN ACT

To provide for the temporary closing of any public street or public highway when the same may be needed for the use of any agricultural fair or any exhibition of the products of the soil or mine or of manufactures, machinery or works of art.

SECTION 1. *Be it enacted, &c.*, That whenever the managers of any agricultural fair, or of any exhibition of the products of the soil or mine or of manufactures, machinery or works of art, who are authorized by any law of this state, or of the United States, to hold such fair or exhibition shall deem it necessary for the proper holding or protection of such fair or exhibition to occupy, use and close up any portion of a public street or public highway, except of a railway or canal, they shall be, and are hereby authorized, to present a petition to the court of common pleas of the county in which such public street or public highway may be located, setting forth that the use, occupation and closing up for a temporary period are needed for the proper holding and protection of a fair or exhibition; and upon the hearing of such petition if the court shall deem the prayer of such petition to be reasonable, and that the granting thereof will not cause any serious public inconvenience, the said court may order and direct such public street or public highway to be closed, and the use and occupation thereof to be granted to the petitioners for a term not exceeding six months for the holding and protection of the fair or exhibition named in such petition: *Provided*, That when the public street or public highway designated in such petition, shall be located in any city or borough, the consent of the authorities of said city or borough shall be given for such use, occupation and closing of the public street or public highway, and be duly certified to the court along with such petition.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 40.

## AN ACT

To provide for the publication of the tenth volume of the transactions of the State Agricultural Society.

WHEREAS, The agricultural interests of Pennsylvania constitutes one of the chief sources of its wealth and importance.

*And whereas*, The farmers throughout the state, through their local societies and through their representatives in the state society, have requested that the publication of the transactions of the Pennsylvania State Agricultural Society shall be continued; therefore,

SECTION 1. *Be it enacted, &c.*, That there be published for distribution, for the use of the senate, two thousand copies,

and for the house of representative, six thousand copies, of the tenth volume of the transactions of the state agricultural society, uniform with volumes already issued by the state; said volumes also to contain the transactions of the Pennsylvania Fruit Growers' Society, and the reports of the superintendent of the Western, Central and Eastern experimental farms of the Agricultural College of Pennsylvania. The matter for the said volume to be compiled, collected, transcribed and furnished, under the direction of the president and secretaries of the state agricultural society, and the expenses of the said compilation to be paid in the usual manner: *Provided*, The same shall not exceed twelve hundred dollars. Three hundred additional copies of said volume to be published for the state agricultural society, and two hundred for the fruit growers' society.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

#### No. 41.

#### AN ACT

Relating to and authorizing changes of venue in civil causes.

SECTION 1. *Be it enacted, &c*, That changes of venue shall be made in any civil cause in law or equity depending in any of the the courts of this commonwealth in the cases following, to wit:

Changes of venue authorized.

*First.* Whenever the judge, who by law is required to try or hear the same, shall be personally interested in the event of such cause or in the question to be determined thereby.

Cases in which changes may be made.

*Second.* Whenever the title under which the parties, or either of them, claim in any such cause, shall have been derived from or through such judge, and he shall be liable thereunder, or whenever he shall hold under the same title with either of the parties in the said cause.

*Third.* Whenever any near relative of such judge shall be a party to any such cause or interested in the event thereof.

*Fourth.* Whenever the county in which such cause is pending, or any municipality therein, or the officials of any such county or municipality are parties thereto, and it shall appear by the oath of the party desiring such change of venue that local prejudice exists and that a fair trial cannot be had in such county.

*Fifth.* Whenever a large number of the inhabitants of the county in which such cause is pending, have an interest in the question involved therein, adverse to the applicant, and it shall appear by the oath of such applicant that he believes he cannot have a fair and impartial trial.

SECTION 2. The applicant for any such change of venue may apply to the court in term time, or to any law judge thereof in vacation, by petition setting forth the cause of the application, which shall be accompanied by his affidavit of the truth of the facts alleged therein, and that the said applica-

Applications for change.

tion is not made for the purpose of delay and praying a change of venue; and after reasonable notice thereof having been given to the opposite party or his attorney, the said court or judge shall, if satisfied of the truth of the facts alleged, award a change of venue of the said cause to some county where the cause complained of do not exist.

Additional cases in which changes may be made.

SECTION 3. Changes of venue may be made in any civil cause in law or equity depending in any of the courts of this commonwealth in the cases following, to wit:

*First.* Whenever it shall appear to the satisfaction of the court in which such cause is depending that any party to such cause hath an undue influence over the minds of the inhabitants of the said county, or that they are prejudiced against the applicant so that a fair and impartial trial cannot be had.

*Second.* Whenever in any plea of land two juries of such county have failed to agree and have been discharged without rendering a verdict therein.

*Third.* Whenever it shall be made to appear to the court that a fair and impartial trial cannot be had in the county in which any such cause is depending.

Applications.

Applications for change of venue under the provisions of this section shall be made to the court in term time in the manner provided in the second section of this act, and notice of the same having been given to the opposite party or his attorney, the court shall proceed to hear the parties by counsel, and affidavits if necessary, and may refuse or award such change of venue as in its discretion it shall see fit.

Prothonotary to forward certified copy of record.

SECTION 4. Whenever the court shall order a change of venue in any case in law or in equity as aforesaid, it shall be the duty of the prothonotary of the court in which such cause is pending, to forward to the prothonotary of the court of the county to which the same hath been removed, certified copies of all docket entries, processes, pleadings, depositions and other papers pertaining to such cause; and the said certified copies being duly filed and entered in the court to which said cause is removed, it shall proceed in like manner as if it had been brought therein by original process against the defendant or defendants; and the said court shall proceed to trial in the same manner and give judgment and award execution with like effect as though the cause had not been removed, and the records and copies filed in the court to which such cause hath been removed shall have the same force and effect in every respect and for every purpose as the original would have had in the court from which such cause shall have been removed.

Trial, &c., of causes removed.

Costs and fees on applications for change.

SECTION 5. The costs and fees attending the application for a change of venue and the removal of the record shall be paid by the party applying for such change of venue, and shall be taxed as a part of the costs and abide the event of the cause.

County from which a cause removed, liable for costs.

SECTION 6. The county from which any such cause in law or in equity shall be or has heretofore been removed, shall be liable to pay to the county to which the same shall be or has heretofore been removed all of the costs and expenses in-

curred by the said county in and about the proceedings in and trial of such cause.

SECTION 7. That all acts of the general assembly heretofore passed, relative to changes of venue in civil causes, be and the same are hereby repealed. Repeal.

APPROVED—The 30th day of March, A. D. 1875.

J. F. HARTRANFT.

#### No. 42.

#### AN ACT

To provide for the pre-payment of postage upon the Legislative Record as required by the postal laws of the United States.

SECTION 1. *Be it enacted, &c.*, That for the purpose of pre-paying the postage upon the Legislative Record, as required by the postal laws of the United States, the speaker of the house and president of the senate is each hereby authorized to draw his warrant upon the state treasury, countersigned by the clerk of each house, respectively, for the amount of the postmaster's bills, when presented, for the postage on the Legislative Records mailed for each house, respectively, to be paid out of any moneys in the state treasury not otherwise appropriated: *Provided*, That each bill shall first be certified as correct by the chairman of the committee of accounts in each house, respectively.

APPROVED—The 30th day of March, A. D. 1875.

J. F. HARTRANFT.

#### No. 43.

#### A SUPPLEMENT

To an act, entitled "An Act relative to forfeiture of charters or grants of special or exclusive privileges to railroad, turnpike and plank road corporations," approved May fifteenth, one thousand eight hundred and seventy-four, prescribing the manner in which said corporations shall consent to hold their charters subject to the provisions of the constitution adopted December sixteenth, one thousand eight hundred and seventy-three.

SECTION 1. *Be it enacted, &c.*, That the stockholders of any railroad corporation, turnpike or plank road company mentioned in the act of assembly, entitled "An Act relative to forfeitures of charters or grants of special or exclusive privileges to railroad, turnpike and plank road corporations," approved May fifteenth, one thousand eight hundred and seventy-four, shall, in order to obtain the benefit of said act of assembly, consent, at a special meeting to be called in accordance with its charter and by-laws, to accept the constitution of the state adopted December sixteenth, one thousand eight hundred and seventy-three, and to thereafter hold its charter subject to all the provisions thereof, and shall cause an instrument in writing, under the seal of the com-

How benefit of act to which this a supplement, obtained.



pany, and signed by the president and secretary, testifying to its consent as aforesaid, to be filed and recorded in the office of the secretary of the commonwealth.

Effect of action of stockholders of railroad companies under this act.

SECTION 2. The action of the stockholders of any railroad company under this act, shall be taken to be of the same force and effect, for the purpose of also accepting the terms of the seventeenth article of the said constitution, as the action of the directors of such company prescribed in the act of assembly, entitled "An Act to enable railroads, canals or other transportation companies to accept the terms of the seventeenth article of the constitution adopted the sixteenth day of December, Anno Domini one thousand eight hundred and seventy-three," approved June fifth, one thousand eight hundred and seventy-four.

APPROVED—The 30th day of March, A. D. 1875.

J. F. HARTRANFT.

#### No. 44.

#### AN ACT

Relative to days of grace on negotiable paper.

SECTION 1. *Be it enacted, &c.*, That days of grace shall be allowed upon all bills of exchange, drafts, promissory notes, or other instruments negotiable by the laws of this commonwealth, excepting only bills of exchange and drafts drawn at sight, and checks drawn upon banks or bankers, whether payable upon presentation or upon some day or time subsequent to the date of issue.

APPROVED—The 30th day of March, A. D. 1875.

J. F. HARTRANFT.

#### No. 45.

#### AN ACT

Fixing a common basis from which to calculate the earnings of miners or persons working in coal mines.

Scales to be provided at each anthracite mine.

Coal to be weighed, and account kept.

Miners may employ weigh master.

SECTION 1. *Be it enacted, &c.*, That all persons, partnership, associations and corporations engaged in the mining of anthracite coal in this commonwealth, shall provide and erect, at each of their coal mines or collieries, standard and lawful scales for weighing the coal mined therein; and each and every miner's coal shall be separately and accurately weighed on said scale before said coal is dumped and taken from the car on which said miner loaded it in the said mine or colliery, and a separate and a accurate account shall be kept by all said persons, partnerships, associations and corporations of the number of pounds of coal mined by each miner as aforesaid; and the miners in each mine shall have the right to employ, at their own expense, and keep a weigh master at each of said scales to inspect said scales, and also keep an account of the number of pounds of coal mined by each miner; and

the miners at each mine or colliery shall be paid at the rate of so much per pound for amount of coal mined by them, and the pound weight shall be the basis from which to calculate the earnings at all mines or collieries: *Provided*, That the provisions of this act shall apply only to mines or collieries in which the coal mined has heretofore been paid for by the car, and that this act shall not go into effect until sixty days after its approval by the governor: *And provided further*, That if any of said persons, partnerships, associations or corporations shall neglect or refuse to comply with the provisions of this act, he or they so neglecting or refusing shall forfeit and pay, for every day said neglect or refusal after said sixty days, to the commonwealth of Pennsylvania the sum of one hundred dollars, the same to be sued for and recovered in an action of debt in the court of common pleas having jurisdiction of the territory in which said mines or collieries may be situate, the writs in said action to be served on the said persons, partnership, association or corporation, or the superintendents, agents or clerks of said persons, partnerships, associations or corporations resident within the jurisdiction of said court: *And provided further*, That the provisions of this act shall not apply to or embrace any persons, partnerships, associations or corporations that may or shall by any contract agree with his or their miners in any of said mines or collieries, otherwise than as is provided in this act, for the compensation of mining the same, and no penalty provided therein shall apply to such persons, partnerships, associations or corporations so contracting or agreeing.

To be paid by the pound.

How act to apply.

Penalty on persons, partnerships, &c. for not complying with act.

When act not applicable.

SECTION 2. That all acts or parts of acts inconsistent herewith are hereby repealed.

Repeal.

APPROVED—The 30th day of March, A. D. 1875.

J. F. HARTRANFT.

#### No. 46.

#### AN ACT

To make legal and valid all bonds or certificates of indebtedness, heretofore issued by cities of the third class for building water works.

WHEREAS, Doubts have arisen as to the validity of bonds and certificates of indebtedness which have heretofore been issued by certain municipal corporations of this state, under a supposed authority given by acts of assembly; now therefore,

SECTION 1. *Be it enacted, &c.*, That all bonds or certificates of indebtedness in the possession of *bona fide* holders, and for which value has been received and which have heretofore been issued by any city of the third class of this state, for the building, constructing, repairing and superintending of any water works, and for the purchasing of land for such purposes, in pursuance of the supposed authority given by the acts of assembly, be and the same are hereby made legal

and valid in every particular and of binding effect upon the said cities.

APPROVED—The 30th day of March, A. D. 1875.

J F. HARTRANFT.

No. 47.

# AN ACT

To repeal an act to permit the voters of this commonwealth to vote every three years on the question of granting licenses to sell intoxicating liquors, and to restrain and regulate the sale of the same.

Act of March 27,  
1872, repealed.

SECTION 1. *Be it enacted, &c.,* That the act approved the twenty-seventh day of March, Anno Domini eighteen hundred and seventy-two, entitled "An Act to permit the voters of this commonwealth to vote every three years on the question of granting licenses to sell intoxicating liquors," be and the same is hereby repealed.

Quarter sessions to  
grant licenses.

SECTION 2. That licenses for sales of liquors, when not otherwise provided for by special law, may be granted by the court of quarter sessions of the proper county, at the first or second session in each year, and shall be for one year. The said court shall fix, by rule or standing order, a time at which application for said licenses shall be heard, at which time all persons applying, or making objections to applications for licenses, may be heard by evidence, petition, remonstrance, or counsel: *Provided*, That for the present year, licenses as aforesaid may be granted at the third or any earlier session of said court.

Time of application  
to be fixed.

Hearing.

Hotels, inns and  
taverns, to be classi-  
fied.

Prices of licenses.

SECTION 3. That all hotels, inns and taverns shall be classified and rated according to the last annual return of the mercantile appraiser or assessors of the proper city or county, as follows, to wit: All cases where the estimated yearly sales shall be ten thousand dollars or more, shall constitute the first class, and pay seven hundred dollars; where the estimated yearly sales shall be eight thousand dollars, and not more than ten thousand dollars, the second class, and shall pay four hundred dollars; where the estimated yearly sales shall be six thousand, and not more than eight thousand dollars, the third class, and shall pay two hundred dollars; where the estimated yearly sales shall be four thousand dollars, and not more than six thousand dollars, the fourth class, and shall pay one hundred dollars; where the estimated yearly sales shall be less than four thousand dollars, the fifth class, and shall pay fifty dollars: *Provided*, That no license shall be less than fifty dollars: *And provided further*, That any person licensed the present or any portion of a year, shall pay a *pro rata* share of the license fee, and the authority granting the license shall designate the classification for that year: *And provided further*, That no license for bottlers shall be less than fifty dollars.

Penalties for selling  
contrary to act.

SECTION 4. That any sale made of vinous, spirituous, malt or brewed liquors, or any admixture thereof, contrary to the provisions of this law, shall be taken to be a misdemeanor,

and upon the conviction of the offense in the court of quarter sessions of the peace of any city or county, the person so offending shall be sentenced to pay a fine of not less than two hundred nor more than five hundred dollars, with the costs of prosecution, and to stand convicted until the sentence of the court is complied with, not exceeding ninety days; and upon a second or any subsequent conviction, the party so offending shall pay a fine of not less than five hundred nor more than one thousand dollars, and undergo imprisonment in the county jail of not less than three months nor more than one year, and if licensed, shall, in lieu of imprisonment, forfeit his bond and said license, and be incapacitated from receiving any license, as aforesaid, for the period of five years thereafter; and any keeper of any drug or apothecary store, confectionery, or mineral or other fountain, who shall sell any spirituous, vinous, malt or brewed liquors, mixed or pure, to be used as a beverage, shall be deemed guilty of a misdemeanor, and liable to the same conviction and punishment as unlicensed offenders.

Penalty on druggists, confectioners &c., for selling as a beverage.

SECTION 5. That it shall be the duty of the court, mayor, alderman, or justice of the peace, before whom any fine or penalty shall be recovered, to award said fine or penalties, as well as proceeds of all forfeited bonds, to the city or county treasurer, as the case may be.

Fines, penalties, &c., to be awarded to city or county treasurer.

SECTION 6. That the constables of the respective wards, boroughs and townships shall make return of retailers of liquors; and in addition thereto it shall be the duty of every such constable, at each term of the court of quarter sessions of their respective counties, to make return, on oath or affirmation, whether, within his knowledge, there is any unlicensed place within his bailiwick, kept and maintained in violation of this act; and it shall be the especial duty of the judges of all said courts to see that this return is faithfully made; and if any person shall make known, in writing, with his or her name subscribed thereto, to such constable, the name or names of any one who shall have violated this act, with the names of the witnesses who can prove the fact, it shall be his duty to make return thereof, on oath or affirmation, to the court, and upon his willful failure to do so, he shall be deemed guilty of the crime of perjury, and upon indictment and conviction, shall be subjected to its penalties.

Constables to return retailers of liquors.

Duty of judges.

Penalty for neglect to make return, on notice.

SECTION 7. The husband, wife, parent, child or guardian of any person who has or may hereafter have the habit of drinking intoxicating liquor to excess, may give notice in writing, signed by him or her, to any person, not to sell or deliver intoxicating liquor to the person having such habit; if the person so notified, at any time within twelve months after such notice, sells or delivers any such liquor to the person having such habit, the person giving the notice may, in an action of tort, recover of the person notified any sum not less than fifty nor more than five hundred dollars, as may be assessed by the court or judge as damages. A married woman may bring such action in her own name, notwithstanding her coverture, and all damages recovered by her shall go to her separate use. In case of the death of either party,

Notice may be given not to sell to excessive drinkers.

Damages may be recovered for selling after notice given.

Married women may sue in their own names.

In case of death,  
right of action to  
survive.

the action and right of action given by this section, shall survive to or against his executor or administrator without limit as to damages.

Sales by or for non-  
residents, prohibi-  
ted.

SECTION 8. No person or persons, non-residents of this commonwealth, shall engage in selling, trading or vending intoxicating liquor, and no hawker, peddler or traveling agent shall engage in selling for any person or persons who are non-residents, or in vending, trading or contracting in any manner whatsoever in intoxicating liquor within the limits of commonwealth.

Bonds may be can-  
celed after notice  
given.

SECTION 9. Any bond, given by any person, under the provision of this act, may be canceled, after thirty days' notice in writing shall have been given and received by the respective parties thereto: *Provided*, The sureties to be released from such or any bond, shall bear no risk pending thereon. In the event of canceling any bond, and the releasing of the sureties, the principal shall provide acceptable substitutes, if he desires to continue the business, otherwise his license shall immediately be revoked.

Principals to pro-  
vide substitutes.

Applicants to give  
bond.

SECTION 10. That no license to sell intoxicating drinks shall hereafter be granted to any person until he shall have executed a bond to the commonwealth, in the penal sum of two thousand dollars, with two sufficient sureties, to be approved by the court granting such license, conditioned to pay all damages which may be recovered in any action which may be instituted against him under the provisions of this act, and all costs, fines and penalties which may be imposed upon him in any indictment for violating this act, or any other law of this commonwealth relating to selling or furnishing intoxicating drinks; and the said bond shall be filed in the office of the clerk of the said court, for the use and benefit of all persons interested therein.

Condition.

To be filed.

Sales on election  
days and Sundays,  
or to minors &c.,  
prohibited.

SECTION 11. That it shall not be lawful for any person, with or without license, to sell to any person any intoxicating drink, on any day on which elections are now or hereafter may be required to be held, nor on Sunday, nor at any time to a minor or to a person visibly affected by intoxicating drinks.

Sales not authorized  
where there are spe-  
cial prohibitory  
laws.

SECTION 12. That any license heretofore granted shall not be invalidated, and that none of the provisions of this act shall be held to authorize the manufacture or sale of any intoxicating liquors in any city, county, borough or township having special prohibitory laws.

APPROVED—The 12th day of April, A. D. 1875.

J. F. HARTRANFT.

No. 48.  
AN ACT

**To provide for the election and appointment of trustees for the state normal schools, and to further regulate their management.**

**SECTION 1.** *Be it enacted, &c.,* That the pecuniary and other affairs of each state normal school shall be managed by a board of eighteen trustees, twelve elected by the contributors or stockholders and six appointed by the superintendent of public instruction.

To be managed by eighteen trustees.

**SECTION 2.** That the trustees on the part of the contributors or stockholders shall be elected from their own number, at a meeting to be held on the first Monday in May annually.

When and how trustees to be elected.

**SECTION 3.** That the contributors or stockholders shall, at the annual meeting, select and nominate to the superintendent of public instruction twice as many persons as are to be appointed, from whom, if satisfactory to him, he shall appoint the required number to act in the board as trustees on the part of the state; but if the nominations so made be not satisfactory to the said superintendent of public instruction he shall, with the advice and consent of the governor, choose others deemed more suitable.

Nomination and appointment of state trustees.

**SECTION 4.** That at the first annual meeting after the passage of this act of the contributors or stockholders of all normal schools now acting as state institutions, and at a meeting of the contributors or stockholders of all normal school associations applying to the proper authorities for recognition as state normal schools, twelve persons shall be elected trustees on the part of such contributors or stockholders, four to serve for one year, four for two years, four for three years; and thereafter only four persons are to be elected annually, to serve for three years; and at the same time, said meetings of contributors or stockholders shall nominate twelve persons to the superintendent of public instruction from whom, if satisfactory, or if not, as hereinbefore directed, he shall appoint two trustees, to serve for one year, two for two years, two for three years; the nominations for all subsequent years being limited to four, and the appointments to two, to serve for three years.

Election, nomination and appointment of all trustees.

**SECTION 5.** That seven trustees shall be necessary to constitute a quorum to do business; and that after the approval provided for in section seventh of the act of one thousand eight hundred and fifty-seven, all changes in by-laws and rules for regulating the proceedings of the board must be approved by the superintendent of public instruction.

Quorum.

**SECTION 6.** That the powers and privileges of the two classes of trustees in the board shall be the same; but it shall require a three-fourths vote of all the trustees present at any meeting of the board to pass any motion or resolution on which the yeas and nays are called.

Changes in by-laws, &c., to be approved by state superintendent.

Powers and privileges of trustees.

Passage of resolutions.

**SECTION 7.** That all state appropriations made directly to normal schools shall be distributed through a commission, consisting of the governor, the superintendent of public instruction and the attorney general, on such conditions as shall

Distribution of state appropriations

protect the interests of the state, and to do exact and equal justice to the several schools; and the conditions of all such appropriations, when made to aid students in becoming teachers, shall be fixed by the law making them.

Recognition of institutions as state normal schools.

SECTION 8. That no institution shall hereafter be recognized as a state normal school with an indebtedness exceeding one-third of the value of the property belonging thereto, nor without being fully provided with buildings, furniture and apparatus as the law requires.

Graduations and certificates.

SECTION 9. That no person shall graduate at a state normal school or receive a state certificate as a practical teacher, unless by the affirmative vote of four out of five members of the board of examiners.

Meeting of principals to fix upon course of study, &c.

SECTION 10. That a meeting of the principals of the several normal schools, for the purpose of fixing upon a general course of study and arranging other matters coming within their jurisdiction as a body, shall be called at Harrisburg by the superintendent of public instruction whenever he shall deem it necessary or upon a request so to do made by three principals of state normal schools.

Repeal.

SECTION 11. That all acts or parts of acts inconsistent with this act are hereby repealed.

APPROVED—The 12th day of April, A. D. 1875.

J. F. HARTRANFT.

#### No. 49.

#### AN ACT

To provide for the expenses required by an act, entitled "An Act to provide for the continuance of the education and maintenance of the destitute orphans of the deceased soldiers and sailors, and the destitute children of permanently disabled soldiers and sailors of the state," approved April ninth, one thousand eight hundred and sixty-seven.

SECTION 1. *Be it enacted, &c.,* That the following sums be and the same are hereby specifically appropriated to the several objects hereinafter named, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and seventy five, to be paid out of any money in the treasury not otherwise appropriated.

For the superintendent, in addition to his salary as superintendent of common schools, twelve hundred and fifty dollars.

For the salary of the chief clerk, eighteen hundred dollars.

For the salary of one other clerk, fourteen hundred dollars.

For the salary of inspector of orphan schools, two thousand dollars, and four hundred dollars for traveling expenses.

For the salary of female inspector of orphan schools, twelve hundred dollars, and four hundred dollars for traveling expenses.

For postage, telegrams and express charges, five hundred dollars, or so much thereof as may be necessary.

For printing and circulating decisions and instructions, two hundred dollars, or so much thereof as may be necessary.

For transferring pupils, two hundred dollars, or so much thereof as may be necessary.

For funeral expenses, four hundred dollars, or so much thereof as may be necessary.

For traveling of the superintendent and his assistants, in conducting the annual examinations, five hundred dollars, or so much thereof as may be necessary.

For furniture and miscellaneous expenses, one hundred and fifty dollars, or so much thereof as may be necessary.

For the purpose of aiding deserving soldiers' orphans who leave the schools at sixteen years of age to fit themselves for teachers at the state normal schools, seven thousand dollars, to be paid exclusively to females.

For the education and maintenance, including clothing, of each orphan of less than ten years of age, admitted into such orphan homes or institutions as have received appropriations from the state, the sum of one hundred dollars, or so much thereof as may be necessary.

For the education and maintenance, including clothing, of each orphan of less than ten years of age, admitted into such orphan homes or institutions as have received no appropriations from the state, the sum of one hundred and fifteen dollars, or so much thereof as may be necessary.

For the education and maintenance, including clothing, of each orphan above the age of ten years, admitted into such institution as may be selected for them by the proper authorities, and which have received no appropriations from the state, the sum of one hundred and fifty dollars, or so much thereof as may be necessary; the gross amount appropriated for all purposes connected with the soldiers' orphan schools not to exceed one hundred thousand dollars for each quarter, in addition to any surplus that may accrue from the appropriation for the school year ending May thirty-first, one thousand eight hundred and seventy five, and such moneys not otherwise appropriated as may be returned to the treasury from the loans made to certain schools, under the act of April fifteenth, one thousand eight hundred and sixty-seven, and its supplements; and all accounts to be settled by the auditor general and state treasurer, in the usual manner, and to be paid on the warrant of the auditor general; and it is hereby further declared, that no child born after the first day of January, Anno Domini one thousand eight hundred and sixty-six, shall be admitted into any of the institutions aforesaid; and it shall be the duty of the superintendent, on or after the first day of June next, to discharge any such children from all the institutions which have received or which shall hereafter receive them under the provisions of the act of April ninth, Anno Domini one thousand eight hundred and sixty-seven, as shall have arrived at the age of sixteen years; and so much of the act, entitled "An Act to provide for the education and maintenance of the destitute orphans of the deceased soldiers and sailors of the state," approved April ninth, one thousand eight hundred and sixty-seven, as conflicts herewith, be and



the same is hereby repealed; and it is hereby declared to be the further duty of the superintendent to prescribe the kind of clothing to be worn by the children of said orphan schools, and to see that each receive an amount of the full value of twenty-five dollars.

APPROVED—The 12th day of April, A. D. 1875.

J. F. HARTRANFT.

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No. 50.

A SUPPLEMENT

To an act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof, approved the twentieth day of April, Anno Domini eighteen hundred and seventy-four, amending the sixth section thereof.

SECTION 1. *Be it enacted, &c.,* That the sixth section of an act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof, approved the twentieth day of April, Anno Domini eighteen hundred and seventy-four, be and the same is hereby amended so as to read as follows, viz:

SECTION 6. The corporate authorities of every such municipality or district shall, at the end of their fiscal year, prepare and publish in at least two newspapers of said municipality or of the county in which the same is situate, if so many be printed therein, a statement showing in detail, the actual indebtedness, the amount of the funded debt, the amount of the floating debt thereof, the valuation of taxable property, therein the valuation of taxable property therein, the assets of the corporation, with the character and value thereof, and the date of maturity of the respective forms of funded debt thereof; and a neglect or failure so to do shall be a misdemeanor, punishable by fine not exceeding one thousand dollars.

APPROVED—The 12th day of April, A. D. 1875.

J. F. HARTRANFT.

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No. 51.

AN ACT

Authorizing and regulating the making of local appropriations to schools commonly known as homes for friendless children.

Trustees and managers may petition court for appropriation from county funds.

SECTION 1. *Be it enacted, &c.,* That the board of trustees and the board of managers, or a majority of each thereof, of any school, commonly known as a home for friendless children, or institution for the purpose of educating and providing for friendless, destitute or vagrant children, now formed, organized or established, or that may hereafter be formed, organized or established in this commonwealth, not of a denominational

or sectarian character, shall have the right to petition the judge or judges of the court of common pleas of the county in which said school or institution is located, asking for a decree authorizing and directing the payment of moneys out of the funds of said county, for the education and support of the children of such school or institution; said petition shall set forth, under the oath or affirmation of the president of the board of trustees and the president of the board of managers of such school or institution, the number of the children cared for during the current year, the number of children bound out or apprenticed, and the age and sex of the same, the income and expenditures of such school or institution, the cost of educating and maintaining the children *per capita*, and such other matter relative to the wants and condition of the school or institution, and the welfare and advancement of the children, as the said court may direct for its information.

What the petition  
to set forth.

SECTION 2. That the court of common pleas have the power, and it shall be their duty, on the presentation of a petition as provided for in the preceding section, after full investigation of the same, to order and direct the commissioners of the county or city in which such school or institution is situated, to pay to the treasurer of such school or institution, out of the county funds, such sum or sums of money and in such instalments as in the discretion of the said court may be deemed just and necessary; and it shall be the duty of the said commissioners to draw their warrant upon the county or city treasurer for the payment of such appropriation in such manner and form as shall be provided for by the said court.

Court to order pay-  
ments from county  
funds.

Duty of county  
commissioners.

SECTION 3. That the court of common pleas shall appoint one-third in number of the trustees and managers of any such school or institution accepting the benefits of this act; to require the treasurer of any such school or institution to furnish the county or city commissioners an itemized account of the receipts and expenditures of such school or institution at the end of each fiscal year; to advertise the same in not less than two weekly newspapers published in the county, supporting any such school or institution, one insertion weekly, for four successive weeks; and to require the county auditors, controllers or city controllers, of any city or county, as the case may be, and it shall be the duty of said officers, to audit, settle and adjust the account of the said treasurer, and to make report thereof to the said court.

Court to appoint  
one-third of trust-  
ees and managers.

To require treasurer  
to furnish account  
of receipts and ex-  
penditures.

And advertise same.

To require auditors  
or controllers to au-  
dit accounts.

SECTION 4. That when any such school or institution has accepted the provisions of this act and has sufficient building capacity, the management thereof shall admit to the benefits of any such school or institution any friendless, destitute or vagrant child, recommended for admission by the board of school directors of the school district in which such child may reside or be found, or by the directors of the poor of any county in which such school or institution is located, guardians of the poor, overseers of the poor or poor directors, as the case may be, of any city or district included in said county; in case any child is refused admission, the said court of common pleas, on complaint made thereto by any person after due and legal proof of such refusal, shall enjoin the payment of

Admission of  
friendless children.

Refusal to admit.

moneys out of the county funds as authorized by this act: *Provided however*, That no child shall be admitted under the age of four years nor above the age of sixteen.

Visitors of institutions.

SECTION 5. That the judges of the court of common pleas of the several counties of this commonwealth are hereby constituted and appointed ex-officio visitors of any such school or institution; and the grand jury of the court of quarter sessions of the county in which any such school or institution is located, shall, as often as directed by the said court, visit, examine and inspect the needs and management of any such school or institution, and the condition of the children therein, as directed by the said court, and report the same to the said court.

Acceptance of act

SECTION 6. That the board of trustees and the board of managers of any such school or institution desiring to accept the provisions of this act, shall set forth the same in their first petition presented to the said court of common pleas, as authorized in the first section of this act; no teacher shall be employed in any such school or institution who has not received a valid certificate from the superintendent of the schools of the county in which such school or institution is situate.

Employment of teachers.

Repeal.

SECTION 7. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

APPROVED—The 12th day of April, A. D. 1875.

J. F. HARTRANFT.

No. 52.

## AN ACT

To prevent the sale of intoxicating liquors, and for the preservation of order at soldiers' encampments or re-unions.

Erection of booths, tents, &c., for sale of liquors, prohibited

SECTION 1. *Be it enacted, &c.*, That it shall not be lawful for any person or persons to erect, place or have any booth, stall, tent, carriage, boat, vessel, or any other place whatever, for the purpose of selling, giving, or otherwise disposing of any spirituous, vinous or malt liquors, or cider, or any fermented liquors whatsoever, or any admixtures thereof, or any liquid compounded or composed, in whole or part, of alcohol, or any other intoxicating drink whatever, (except as herein-after excepted,) within three miles of the place of holding any soldiers' encampment or re-union in this state, during the time of holding such encampment or re-union.

Penalty for violating act.

SECTION 2. Any person or persons violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not less than fifty dollars nor more than one hundred dollars, and undergo an imprisonment not exceeding ten days, or both or either, in the discretion of the court.

Constables or sheriffs to be present, on applications of commandants of camps.

SECTION 3. It shall be the duty of the constable of the township, or the sheriff of the county in which any such encampment or re-union is held, upon the written application of the commandant of such camp, to be present in person or by deputy during such encampment, and to arrest, without war

rant, any person or persons guilty of disorderly or riotous behavior, or any breach of the peace, or of intoxication, or whom he may have reason to believe is guilty of violating any of the provisions of the first section of this act, and bring him or them before any justice of the peace of the county; and thereupon the officer making such arrest shall make an information, under oath, in the nature of a return of the cause of such arrest; and such justice shall proceed to hear and determine such matter, in the same manner as if a warrant had been issued against the person arrested for the cause alleged in such return; and such officer shall be entitled to the sum of three dollars for each day he may attend such encampment, to be paid by the county where the same is held.

To arrest disorderly persons, &c.

And bring them before a justice.

To make information.

Justice to hear and determine cause.

Allowance to officers for attendance.

SECTION 4. Any person wilfully violating any of the rules and regulations adopted for the government of such encampment by the commandant thereof, and applying only to the grounds occupied by such encampment, shall be deemed guilty of disorderly behavior, and upon request of the commandant of such encampment, shall be arrested by the peace officer in attendance, to be dealt with according to law, and upon conviction thereof such person shall be sentenced to pay a fine not exceeding fifty dollars.

Violation of rules of encampment, relative to.

SECTION 5. The provisions of the first section of this act shall not apply to any person licensed to sell intoxicating liquors under the laws of this commonwealth, who may sell or dispose of the same at his or her usual place of business named in such license, and in accordance with law.

First section not applicable to persons licensed to sell.

APPROVED—The 12th day of April, A. D. 1875.

J. F. HARTMAN.

No. 53.

### AN ACT

To provide for printing and furnishing the wrappers for the Legislative Record.

SECTION 1. *Be it enacted, &c.,* That the postmasters of the respective houses shall receive from the senators and members, respectively, the name and post office addresses of the persons to whom the copies of the Daily Legislative Record, or by whatsoever name the same may hereafter be called, are to be regularly transmitted; and the postmaster aforesaid shall procure from the publishers of the Record, or by whatever other name it may be called, the necessary wrappers for mailing the same, with the names and post office addresses to whom the said Records are to be sent, and the name of the senator or member sending the same printed thereon; the costs of said wrappers and printing thereof not to exceed ten dollars for each senator and member; which wrappers shall be furnished to the superintendents of the folding departments of the respective houses.

Postmasters to get list of names.

And procure wrappers.

Cost of wrappers.

SECTION 2. That the printing above authorized shall be done by contract, at the highest rate per centum below the rate of ten dollars for each senator and member of the house of rep-

How printing to be done.

How to be let.

sentatives, and shall be let in the same manner, and by the same officers, as provided for in the act of May fifteenth, eighteen hundred and seventy-four, relating to the reporting and printing of the Legislative Record.

Presiding officers to draw warrants to pay for wrappers.

SECTION 3. The presiding officers of the respective houses shall annually draw their warrants upon the state treasurer in favor of the clerks thereof, to pay for the necessary wrappers to be furnished, as aforesaid, for each year, respectively, which shall be payable out of any money in the treasury not otherwise appropriated.

Acts done under resolution of February 7, 1871, validated.

SECTION 4. That all acts done and payments made under the concurrent resolutions upon this subject, adopted by both houses, February seventh, eighteen hundred and seventy-one, as set forth in the journal of the senate for eighteen hundred and seventy-one, page two hundred and eighty-one, be and the same are hereby validated, the same as if said concurrent resolution had been a joint one, and had been approved by the governor.

APPROVED—The 12th day of April, A. D. 1875.

J. F. HARTRANFT.

#### No. 54.

#### AN ACT

To provide for the appointment of a state board of centennial managers for the international exhibition of the year eighteen hundred and seventy-six, and make appropriation to defray the expenses thereof.

Governor authorized to appoint state board of centennial managers.

SECTION 1. *Be it enacted, &c.,* That the governor is hereby authorized and empowered to appoint five suitable persons from different sections of the state, familiar with the resources, arts, products, history and capabilities of the state who, with the United States centennial commissioners and the alternate commissioners from Pennsylvania, shall constitute and be the state board of centennial managers for this state.

Duties and powers of board.

SECTION 2. That upon said state board shall devolve the responsibility of organizing the state and of securing its thorough representation in the international exhibition of the year eighteen hundred and seventy-six; and it shall also have special charge of the interests of this state and the citizens thereof in all matters relating to the exhibition, shall obtain and disseminate information throughout the state in regard to the purposes and objects of the exhibition, and shall generally supervise such details and arrangements as may be required for a full and proper representation of the products, industries, resources and history of the commonwealth in accordance with the regulations that have been adopted or may hereafter be adopted for holding the exhibition by the United States centennial commissioners.

elect president, secretary and treasurer.

SECTION 3. That said state board shall meet within twenty days after the appointment, on a call issued for such meeting by the governor, and shall elect one of its members to be president and another of them to be secretary and treasurer,

who shall hold their offices during the pleasure of the board ; they shall meet at least once in each month, and four members shall constitute a quorum for the transaction of business ; they shall have power to make rules and regulations for their own government, and may delegate to the president or any member the performance of such specific duty as may promote the object for which the board is appointed ; vacancies occurring in the board shall be filled by new appointment made by the governor.

Meetings and quorum.

Rules and regulations.

Vacancies.

SECTION 4. That said board shall make report of its proceedings to the legislature at each of its sessions, and in such reports shall make such suggestions as may be deemed advisable for fully providing for the complete and proper representation of the interests of the state in the exhibition and for securing the hearty co-operation of the people therein.

To make report to legislature.

SECTION 5. That the governor, state treasurer and secretary of the commonwealth shall constitute a permanent advisory committee of said board, with the right to appoint its own secretary at such compensation as it may designate, to which committee shall be referred all communications from governors or executive officers of other states of the Union, and such committee may participate in all the deliberations of the state board.

Permanent advisory committee of board.

SECTION 6. That so much of any law or resolution as are hereby supplied be and the same are hereby repealed.

Repeal.

APPROVED—The 12th day of April, A. D. 1875.

J. F. HARTRANFT.

No. 55.

## AN ACT

To regulate the practice of medicine, surgery and obstetrics in the commonwealth of Pennsylvania.

SECTION 1. *Be it enacted, &c.,* That the standard qualifications of a practitioner of medicine, surgery and obstetrics, or of any one who may attempt to practice, singly or jointly, medicine, surgery or obstetrics, shall be and consist of the following, namely: A comprehensive and practical knowledge of human anatomy, human physiology, pathology, chemistry, *materia medica*, obstetrics, practice of medicine and surgery, and public hygiene, and a good moral character.

Qualifications of practitioners.

SECTION 2. The possession of a diploma, regularly issued by a medical school acting under a charter from this or other state or country, shall constitute the sufficient license for the person to whom such diploma is granted, to practice singly or jointly, medicine, surgery or obstetrics, as set forth and empowered in said diploma: *Provided however,* That a diploma that has been or that hereafter be granted for a money consideration, or other article of value alone, or that has been or may hereafter be granted to any one who has not pursued the usual course of studies required by a legally chartered medical school, shall not be considered as a sufficient qualification under this act.

Possession of diploma regularly issued, to constitute sufficient license to practice.

When not sufficient

A practitioner without diploma, may apply to prothonotary for examination.

**SECTION 3.** Any practitioner who may not have a diploma, as provided for in section two of this act, and who may not be qualified, as hereinafter provided, shall have the privilege of applying to the prothonotary of the court of common pleas of the judicial district in which such applicant resides, for an examination in the branches of medical science and art, set forth in section one of this act; whereupon it shall be the duty of such court to appoint a committee or committees, consisting each of three respectable practitioners of medicine of the school of practice recognized in this commonwealth, to which such applicant or applicants may profess to belong, and shall fix the time and place of holding such examinations. Each of said applicants, before being admitted to examination, shall deposit with such committee the sum of fifteen dollars, (\$15) which money shall be equally divided among them, for which they shall give a receipt; it shall be the duty of such committee or committees to convene at any time upon the call of an applicant or applicants for examination; it shall be the duty of such committee, when the said applicant is found to be qualified, as set forth in section one of this act, to grant to such applicant a certificate, and said certificate shall be the sufficient license for the person to whom it is granted to open an office in this commonwealth for the practice of medicine, surgery or obstetrics; it shall further be the duty of such committee to appear before the clerk of such court and take an oath or affirmation that they have not taken and will not receive, directly or indirectly, any other compensation for instituting such examination than that which is herein provided.

Court to appoint a committee.

Applicants to deposit \$15 with committee.

To receive certificate, if found qualified.

Committee to be sworn.

Certain persons authorized to practice.

**SECTION 4.** Any person who has attended one full course of lectures in any respectable school of medicine recognized by law, and has been a resident practitioner of medicine, surgery or obstetrics in this commonwealth, five years previous to the passage of this act, is hereby authorized to pursue the same. Any person who has been in the continuous practice of medicine, surgery or obstetrics for ten years in this commonwealth shall be and is hereby authorized to pursue the same.

Transient practice regulated.

**SECTION 5.** Any person who shall attempt to practice medicine or surgery, by opening a transient office within this commonwealth, or who shall, by handbill or other form of written or printed advertisements, assign such transient office or other place to persons seeking medical or surgical advice or prescription, shall, before being allowed to practice as aforesaid, appear before the clerk of the court of quarter sessions of the county wherein said practitioner shall attempt to practice, and shall furnish satisfactory evidence to such clerk that the provisions of this act have been complied with, and shall, in addition, take out a license for one year, and pay into the county treasury, for the use of such county, the sum of two hundred dollars therefor, whereupon it shall be the duty of such clerk to issue to such applicant a proper certificate of license, on payment of the fee of two dollars for his services: *Provided however*, That the announcement of name, title and place of business by card, or announcement of name,

title and place of business in newspaper or other periodical, shall be sanctioned as legitimate, and is so approved by this act.

SECTION 6. Any person violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine not exceeding five hundred dollars, for the use of the county wherein such misdemeanor is committed, or imprisonment not exceeding one year, or both, at the discretion of the court; any person so convicted shall not be entitled to any fee for services rendered, and if a fee shall have been paid, the patient, or his or her heirs, may recover the same as debts of like amount are now recoverable by law.

Penalty for violating act.

Person convicted for violating act, not entitled to a fee.

APPROVED—The 12th day of April, A. D. 1875.

J. F. HARTRANFT.

#### No. 56.

#### A FURTHER SUPPLEMENT

To an act to establish a system of free banking in Pennsylvania, and to secure the public against loss from insolvent banks, approved March thirty-first, one thousand eight hundred and sixty.

SECTION 1. *Be it enacted, &c.*, That the second section of an act, entitled "A supplement to an act to establish a system of free banking in Pennsylvania, and to secure the public against loss from insolvent banks," approved the first day of May, Anno Domini one thousand eight hundred and sixty-one, be and the same is hereby amended so as to read as follows, namely: Whenever such person or association of citizens desire to establish a bank, or increase its capital, they shall make a certificate, as hereinafter described, under their hands and seals, and shall cause a notice of the same to be advertised once a week for at least three consecutive months in at least two newspapers in the city or county where such bank is to be located, if there be so many published in said city or county, if not, in two newspapers published nearest the city or county where such bank is to be located, one of which notices shall be in the German language, if any newspaper is published in such language in said city or county; which certificate, after due notice of the same shall be published as aforesaid, shall be submitted to and examined by the attorney general of the commonwealth, and by him certified to be properly drawn and signed, and that the notice of the same has been duly and correctly advertised according to law, and that the certificate and published notice are in conformity with the constitution and the laws of this commonwealth, for which service the attorney general shall be entitled to a fee of five dollars.

APPROVED—The 12th day of April, A. D. 1875.

J. F. HARTRANFT.



No. 57.  
AN ACT

To provide for appeals in cases where the county commissioners and auditors have failed or shall hereafter fail to fix the compensation of county treasurers, and to repeal an act, entitled "A supplement to an act relating to county treasurers, passed the fifteenth of April, one thousand eight hundred and thirty-four," approved the eighteenth day of April, one thousand eight hundred and seventy-four, in regard to the compensation of county treasurers.

Appeals provided  
for

SECTION 1. *Be it enacted, &c.,* That in every case where the commissioners and auditors have heretofore failed or shall hereafter fail to fix the compensation of any county treasurer, an appeal may be taken to the court of common pleas of the proper county by the commissioners or treasurer, in the same manner that appeals may now be taken from the reports of county auditors on settlement of the accounts of county treasurers in this commonwealth: *Provided*, That no appeal shall be taken in any case where the commissioners and auditors shall have failed to fix such compensation prior to the approval of this act unless the same shall be taken within thirty days after such approval; and on every such appeal the said courts shall have power in its discretion to fix the compensation aforesaid finally.

Repeal.

SECTION 2. That the act, approved April eighteenth, eighteen hundred and seventy-four, entitled "A supplement to an act relating to county treasurers," passed April fifteenth, eighteen hundred and thirty-four, namely: "That the compensation of each county treasurer shall be settled under the laws existing at the time of his entering upon his duties; and in all cases which there has heretofore been or shall hereafter be a disagreement between the county commissioners and county auditors, and a failure to settle said compensation from any cause, the said county treasurer shall receive as compensation the same amount per centum, upon all sums received and paid out by him, as was received by his predecessor in office: *Provided*, That each county treasurer who has entered upon the discharge of his duty prior to the passage of this act, and whose compensation has not been fixed prior to the entering upon the discharge of his duties, shall receive the same amount per centum upon all sums received and paid out by him as was lawfully received by his immediate predecessor for like service: *Provided*, This act shall not interfere with local laws relating to the compensation of county treasurers already in force, and shall not apply to counties containing over one hundred and fifty thousand inhabitants," be and the same is hereby repealed, except as to county treasurers in office at the time of this passage.

Exception.

APPROVED—The 16th day of April, A. D. 1875.

J. F. HARTRANFT.

*In Act of Apr 30*

No. 58.

## AN ACT

Authorizing the burgess and town council of each of the several boroughs throughout this commonwealth to levy and collect a gas, kerosene oil and water tax.

SECTION 1. *Be it enacted &c.*, That from and after the passage of this act, the burgess and town council of each of the several boroughs throughout this commonwealth, be and are hereby authorized and empowered to levy and collect in each and every year, an annual tax upon the assessed valuation of each of the said several boroughs, in addition to the tax which they are already authorized by law to levy and collect, a special or additional tax not exceeding a per centum of eight mills on each dollar of such assessed valuations.

Burgess and council authorized to levy special tax.

SECTION 2. That the money so raised and collected shall be used, laid out and expended for the following purposes, and none other, namely: For the purpose of purchasing, erecting and maintaining such fire-plugs or hydrants, gas lamp posts, and gas or kerosene lamps, as may be required to supply the said boroughs with a sufficient supply of water for the extinguishment of fires, cleansing the streets, and other public purposes, and with gas or kerosene oil, for the purpose of properly lighting and illuminating the streets, lanes, alleys, and other public places, in said boroughs, of paying for the said gas and water, and defraying the expenses in making all necessary attachments to gas and water mains in said borough, together with all other necessary expenses in securing a full, sufficient and abundant supply of gas and water in and throughout the said boroughs; for the said purposes: *Provided however*, Before the burgess and town council of any or either of the said boroughs, unless heretofore otherwise authorized by law, shall be entitled to exercise any of the powers conferred by virtue of this act, the same shall be approved of and accepted by the majority of the town council of such borough or boroughs, at any one of their regular and stated meetings, by resolution, which said resolution shall be entered upon their regular minutes; at the same meeting a time for holding special election for a vote of the people shall be fixed and entered upon the regular minutes, whereupon it shall be the duty of the burgess of the said borough to notify the constable or constables of the same, who are hereby authorized and required, within ten days after the receipt of such notice, to make proclamation in the same manner and for the same length of time as is provided by law in case of borough and township elections, for a special election, to be held in the usual places of holding borough elections for said borough, said special election to be held by the board or boards of borough election officers; at which time and place the legal voters of said borough shall vote for the adoption or rejection of this act, by voting written or printed tickets, having on the outside the words "gas and water tax," and on the inside "for a gas and water tax," or "against a gas and water tax." The majority of the legal votes so cast for

How money to be used.

Act to be accepted by council.

Special election to be ordered and held.

No. 57.  
AN ACT

To provide for appeals in cases where the county commissioners and auditors have failed or shall hereafter fail to fix the compensation of county treasurers, and to repeal an act, entitled "A supplement to an act relating to county treasurers, passed the fifteenth of April, one thousand eight hundred and thirty-four," approved the eighteenth day of April, one thousand eight hundred and seventy-four, in regard to the compensation of county treasurers.

Appeals provided  
for

SECTION 1. *Be it enacted, &c.,* That in every case where the commissioners and auditors have heretofore failed or shall hereafter fail to fix the compensation of any county treasurer, an appeal may be taken to the court of common pleas of the proper county by the commissioners or treasurer, in the same manner that appeals may now be taken from the reports of county auditors on settlement of the accounts of county treasurers in this commonwealth: *Provided,* That no appeal shall be taken in any case where the commissioners and auditors shall have failed to fix such compensation prior to the approval of this act unless the same shall be taken within thirty days after such approval; and on every such appeal the said courts shall have power in its discretion to fix the compensation aforesaid finally.

Repeal.

SECTION 2. That the act, approved April eighteenth, eighteen hundred and seventy-four, entitled "A supplement to an act relating to county treasurers," passed April fifteenth, eighteen hundred and thirty-four, namely: "That the compensation of each county treasurer shall be settled under the laws existing at the time of his entering upon his duties; and in all cases which there has heretofore been or shall hereafter be a disagreement between the county commissioners and county auditors, and a failure to settle said compensation from any cause, the said county treasurer shall receive as compensation the same amount per centum, upon all sums received and paid out by him, as was received by his predecessor in office: *Provided,* That each county treasurer who has entered upon the discharge of his duty prior to the passage of this act, and whose compensation has not been fixed prior to the entering upon the discharge of his duties, shall receive the same amount per centum upon all sums received and paid out by him as was lawfully received by his immediate predecessor for like service: *Provided,* This act shall not interfere with local laws relating to the compensation of county treasurers already in force, and shall not apply to counties containing over one hundred and fifty thousand inhabitants," be and the same is hereby repealed, except as to county treasurers in office at the time of this passage.

Exception.

APPROVED—The 16th day of April, A. D. 1875.

J. F. HARTRANFT.

*See Act of 1875 for 307*

## No. 58.

## AN ACT

Authorizing the burgess and town council of each of the several boroughs throughout this commonwealth to levy and collect a gas, kerosene oil and water tax.

SECTION 1. *Be it enacted &c.,* That from and after the passage of this act, the burgess and town council of each of the several boroughs throughout this commonwealth, be and are hereby authorized and empowered to levy and collect in each and every year, an annual tax upon the assessed valuation of each of the said several boroughs, in addition to the tax which they are already authorized by law to levy and collect, a special or additional tax not exceeding a per centum of eight mills on each dollar of such assessed valuations.

Burgess and council authorized to levy special tax.

SECTION 2. That the money so raised and collected shall be used, laid out and expended for the following purposes, and none other, namely: For the purpose of purchasing, erecting and maintaining such fire-plugs or hydrants, gas lamp posts, and gas or kerosene lamps, as may be required to supply the said boroughs with a sufficient supply of water for the extinguishment of fires, cleansing the streets, and other public purposes, and with gas or kerosene oil, for the purpose of properly lighting and illuminating the streets, lanes, alleys, and other public places, in said boroughs, of paying for the said gas and water, and defraying the expenses in making all necessary attachments to gas and water mains in said borough, together with all other necessary expenses in securing a full, sufficient and abundant supply of gas and water in and throughout the said boroughs, for the said purposes: *Provided however,* Before the burgess and town council of any or either of the said boroughs, unless heretofore otherwise authorized by law, shall be entitled to exercise any of the powers conferred by virtue of this act, the same shall be approved of and accepted by the majority of the town council of such borough or boroughs, at any one of their regular and stated meetings, by resolution, which said resolution shall be entered upon their regular minutes; at the same meeting a time for holding special election for a vote of the people shall be fixed and entered upon the regular minutes, whereupon it shall be the duty of the burgess of the said borough to notify the constable or constables of the same, who are hereby authorized and required, within ten days after the receipt of such notice, to make proclamation in the same manner and for the same length of time as is provided by law in case of borough and township elections, for a special election, to be held in the usual places of holding borough elections for said borough, said special election to be held by the board or boards of borough election officers; at which time and place the legal voters of said borough shall vote for the adoption or rejection of this act, by voting written or printed tickets, having on the outside the words "gas and water tax," and on the inside "for a gas and water tax," or "against a gas and water tax." The majority of the legal votes so cast for

How money to be used.

Act to be accepted by council.

Special election to be ordered and held.

Where such tax not  
authorized.

Repeal.

or against a gas and water tax shall decide for or against the application of the said act to the said borough; the expenses of said election to be paid out of the general fund of said borough: *And provided also*, That nothing in this act shall be construed to authorized the levying or collection of such special or additional tax in boroughs where water or gas works have hertofore been erected by such boroughs.

SECTION 3. That all acts of assembly or parts of acts inconsistent herewith be and are hereby repealed.

APPROVED—The 16th day of April, A. D. 1875.

J. F. HARTRANFT.

No. 59.

### AN ACT

To permit postage stamps to be issued to the lieutenant governor.

SECTION 1. *Be it enacted, &c.*, That the act, entitled "An Act to provide postage for public documents and letters," approved February three, eighteen hundred and seventy, be and the same is hereby amended so as to permit the clerk of the senate to receive and issue to the lieutenant governor the same amount of postage stamps that he is by said statute permitted to receive and issue to a senator.

EXECUTIVE CHAMBER,

HARRISBURG, *Monday, April 19, 1875.* }

To M. S. QUAY,

*Secretary of the Commonwealth:*

SIR:—The foregoing act of assembly, entitled "An Act to permit postage stamps to be issued to the lieutenant governor," was presented to me on the 16th day of March, A. D. 1875, and not having been filed in your office, with my objections thereto, within thirty days after the adjournment of the legislature on the 18th ult., it has become a law, agreeable to the constitution of this commonwealth.

You are, therefore, hereby directed to cause it to be enrolled and published.

J. F. HARTRANFT.

No. 60.

### AN ACT

Relative to the establishment and jurisdiction of magistrates' courts in the city of Philadelphia.

SECTION 1. *Be it enacted, &c.*, That there are hereby established in Philadelphia, twenty-four courts, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars, and additional courts shall be established from time to time, so as to provide one such court for each thirty thousand inhabitants of said city; each of such courts shall be held by one magistrate, whose term of office shall

Twenty-four courts  
established.

Additional courts.

One magistrate for  
each court.

be five years; and it shall be the duty of the councils of the city of Philadelphia, on or before the first day of March, Anno Domini one thousand eight hundred and seventy-five, and on or before the first day of January of every fifth year thereafter, and whenever else it may be necessary, to fix the general location of each of the said courts by declaring between which streets or roads it shall be, so as to be most convenient for suitors and for the despatch of the public business.

Term of office.

Councils to fix location of courts.

SECTION 2. The said courts shall be numbered in regular numerical order, and shall be severally styled "magistrate's court, number —," and shall be located by their numbers by the councils of said city.

How to be numbered and styled.

SECTION 3. The said magistrates' courts shall have a seal with the coat of arms of the state of Pennsylvania engraved thereon, and for legend "magistrate's court, number —, of the city of Philadelphia," inserting the number of the court in said legend.

Official seals.

SECTION 4. The qualified electors of said city at large shall, on the third Tuesday of February, one thousand eight hundred and seventy-five, elect on general ticket as many magistrates as there are courts in said city, and no more, who shall hold their offices for the term of five years from the first Monday of April next succeeding their election, if they shall so long behave themselves well; and in the election of said magistrates no voter shall vote for more than two-thirds of the number of persons to be elected, when more than one are to be chosen; said magistrates shall be voted for on a separate ticket, to be headed "magistrates." Thereafter the election of magistrates shall take place at the time fixed for the election of municipal officers in said city, immediately preceding the expiration of the term of any magistrate. The said magistrates shall be at least twenty-five years of age, and shall have resided for at least one year immediately preceding their election in the city of Philadelphia, and shall be qualified voters thereof; no magistrate shall practice as an attorney-at-law in any court in this commonwealth or elsewhere during his term of office.

Election of magistrates.

Qualifications.

Not to practice as attorneys.

SECTION 5. After the city councils have located the said courts by numbers, and before said magistrates shall enter upon the discharge of their duties, they shall assemble in the presence of the mayor of the city of Philadelphia, and draw lots in the order of the alphabetical rotation of their surnames for the right to choose which of the courts so located shall be held by each, and when they shall have all drawn lots the magistrate who shall have the first choice shall choose from the whole number of courts which court he desires to select as his court, and the number and location of the court chosen by him shall be the court which he shall hold till the expiration of his term of office. After the magistrate having the first choice shall have selected his court, the magistrate having the second choice shall proceed to select his court in the same manner, and so on until all the magistrates shall have selected their courts in the order of the lots drawn by them. The councils shall not change the localities of the respective

Of the selections of courts.

courts during the terms for which the said magistrates shall have been elected; and thereafter, at the expiration of the term of five years for which the said magistrates have been elected, their successors shall be elected and select their courts in the manner hereinbefore set forth.

· Certificate to governor.

SECTION 6. After the magistrates have selected their courts as aforesaid, it shall be the duty of the mayor of the said city to certify to the governor of the commonwealth in the names of the several magistrates, with the number of the court selected by each, and the governor shall forthwith commission each of the said magistrates as of the court chosen by each, which commission shall be duly recorded in the office for the recording of deeds for the city and county of Philadelphia.

· Commissions.

· Oath of office.

SECTION 7. Before entering upon the discharge of his duties, each of said magistrates shall take and subscribe the following oath before one of the judges of the court of common pleas for the county of Philadelphia: "I do solemnly swear (or affirm) that I will support, obey and defend the constitution of the United States and the constitution of this commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election, (or appointment,) except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law;" and they and each of them shall give bond in the sum of three thousand dollars, with two or more sufficient sureties, who shall be freeholders and approved by one of the judges of the courts of common pleas of said county, which bond shall be taken by the prothonotary of said court in the name of the commonwealth, with conditions for the faithful performance of his duties and proper application of all moneys that shall come into his hands as such magistrate; and such bond shall be held in trust for the benefit of all persons who may sustain injury from said magistrate in his official capacity; and said sureties shall in no case be liable, unless proceedings be commenced within six years from the time such cause of action shall accrue; and said bond shall forthwith be recorded in the said office for recording deeds; copies of the record of any such bond recorded as aforesaid and duly certified by the recorder of deeds for the time being, shall be good evidence in any action brought against the obligors, according to its form and effect, in the same manner as the original would be if produced and offered in evidence.

· To give bond.

Limitation of action thereon against sureties.

· To be recorded.

Certified copies to be evidence.

· Salaries of magistrates.

SECTION 8. The said magistrates shall be paid by the said city for their services; and to cover the expenses for rent of a suitable place in which to hold said court, (to be selected by the magistrates of said courts respectively,) and for the dockets, blank books, legal blanks and stationery, for the use

of said magistrate courts, a salary of three thousand dollars per annum, to be paid in quarterly payments on the first Mondays of July, October, January and April in each and every year ; and it shall be the duty of the councils of said city to appropriate annually a sufficient sum to pay said salaries ; and the said dockets, blank books and legal blanks shall be uniform in character.

Dockets, blanks,  
&c., to be uniform.

SECTION 9. Should any vacancy happen in the office of magistrate, either by death, resignation, disqualification, removal or otherwise, said vacancy shall be filled for the full term of five years, in the manner hereinbefore set forth, at the next succeeding municipal election held in said city after said vacancy shall happen ; and it shall be the duty of the governor in the meantime to appoint and commission a suitable person to fill said vacancy until the first Monday of April next succeeding the first municipal election after said vacancy shall happen : *Provided however*, That if said vacancy shall happen within twenty days before any municipal election said vacancy shall not be filled until the second succeeding municipal election thereafter ; and the governor shall appoint and commission a suitable person to fill said vacancy until the first Monday of April after said second municipal election.

Vacancies.

SECTION 10. In case any of said magistrates shall, from sickness, or any other cause, be unable to attend his court for more than twenty days, one of the other magistrates having the nearest court shall have the power to take charge of all suits or proceedings before him and conduct the same during his absence.

When magistrate  
unable to attend his  
court, another may  
act for him.

SECTION 11. A civil and a criminal docket shall be kept in each of said courts by the magistrate holding the same, in which shall be entered daily all proceedings of said court ; and it shall be the duty of the magistrate receiving any costs, fees, fines, penalties, or other moneys, to note the same in the margin of the proper docket, opposite to the entry of the case in respect to which the same is received, with the date at which and the name of the person from whom the same was received, together with the date when and the person to whom the same was paid ; said docket shall be open to the inspection of any citizen during the hours when the court is required to be kept open ; it shall also be the duty of each of the said magistrates to keep a day-book, in which he shall enter all costs, fees, fines and penalties collected by him, with the date when, the person from whom, and the purpose for which the same was received ; he shall also note therein the time when and the manner in which the same is disposed of ; and the books and papers of said courts, including said day-books, shall be the property of the commonwealth of Pennsylvania ; they shall pay over to the city treasurer, within five days after the first Monday of every month, all costs of suits, fees, fines, penalties, and other sums of money received, including constable's fees, during the preceding month, except such costs and judgments as the parties to any proceeding before them may by law be entitled to receive, and shall at the same time furnish to the controller of said city, under oath or affirmation, an accurate

Dockets to be kept.

To be open to in-  
spection.

Day book.

To pay over costs,  
&c., monthly.

And furnish account  
to controller.



account of all said moneys; and the controller of said city shall not countersign any warrant for the quarterly payment of the salary of any magistrate until he is satisfied from inspection, by himself or deputy, of the dockets, day-book, or other books of said magistrate, that the said accounts are correct; and if the said books are incorrectly kept, or the said accounts are inaccurate, the said magistrate so defaulting shall be guilty of a misdemeanor in office and shall be liable to removal from office.

Those in default liable to removal from office.

Jurisdiction and powers.

SECTION 12. The jurisdiction of each of said magistrates shall extend throughout the city and county of Philadelphia, and they shall be, by virtue of their office, *ex-officio* justices of the peace; they shall have all the powers and shall exercise the same jurisdiction, civil and criminal, (except as herein otherwise provided,) as is now by law exercised by aldermen of said city, and shall be liable to the same limitations and restrictions, pains and penalties that are now imposed upon aldermen by the laws of this commonwealth; where by law two aldermen are now required to hear and determine any matter brought before them, the same jurisdiction shall be exercised by one magistrate.

Appeal in cases of summary conviction.

And from judgments in suits for penalties.

SECTION 13. In all cases of summary conviction before said magistrates either party may appeal to the court of quarter sessions of said county, upon the allowance of any judge thereof upon cause shown, and either party may also appeal from the judgment of said magistrates in a suit for a penalty to the courts of common pleas of said county, upon the allowance of any of the judges thereof upon cause shown: *Provided however*, That this enactment shall not affect any right of appeal under existing laws.

Aldermen to deliver over dockets.

Penalties for neglect.

Persons in possession of an alderman's papers to deliver over same.

Magistrates to deliver books and papers to successors.

SECTION 14. It shall be the duty of the aldermen of the city of Philadelphia whose terms of office shall have expired upon the thirty-first day of December, Anno Domini one thousand eight hundred and seventy-four, or that may thereafter expire, or whenever they shall vacate their office after that time, to hand over to the magistrate whose court is located nearest his office, all dockets, notes, bonds and other papers connected with his office, as well as the dockets and papers of all other aldermen which may be in his possession: and every alderman who shall refuse or neglect for the term of thirty days after he has vacated his office, to deliver said books and papers as aforesaid shall be subject to a penalty of one hundred dollars, to be recovered as penalties of like amounts are now recoverable; and in case of the death or continued absence of any alderman for the term of three months, all persons having possession of the books and papers aforesaid of said deceased or absent alderman, shall deliver said books and papers to said magistrate in like manner as aldermen are required to do by this act, and shall be subject to the same penalties for neglect or refusal; and the said magistrates shall, in like manner and subject to the same penalties, from time to time, hand over the said books and papers to their successors in office; and in case of any neglect or refusal to deliver all books and papers as aforesaid, the said alderman and other persons shall be compelled

to deliver said books and papers as aforesaid, by decree and attachment against them, which may be made and issued by any court of common pleas of said county, or by any judge thereof in vacation, on application being made thereof by any person; and the said magistrate to whom said books and papers are delivered shall have power to issue process and proceed thereon with like effect as said aldermen or magistrates might have done had they continued in office: *Provided*, That in case the magistrates to whom such books and papers may be delivered shall be a party to or interested in any suit or judgment therein, such suit or judgment shall be proceeded in by some other magistrate in said city, to whom a transcript shall be furnished, as well as the original docket, if required on the trial.

Proceedings to compel delivery.

Power of magistrates to whom delivered to proceed thereon.

SECTION 15. Each magistrate shall select from the constables in commission in the city of Philadelphia, such number, not exceeding three, as shall be necessary to the prompt service of process and the efficient performance of all other duties of constable; they shall hold their office at the pleasure of the magistrate, shall give bond in manner and form as now required by law, and be subject to all liabilities and restrictions, have all the powers and perform all the duties now by law attached to the office of constable in the city of Philadelphia; each of said constables shall be paid monthly, by the city of Philadelphia, the aggregate amount of fees which shall be certified to be due and payable to him by the magistrate of his court: *Provided*, The same shall not exceed the amount of constable's fees actually paid to the city treasurer as hereinbefore provided.

Constables to be selected.

To give bond.

Liabilities, powers, &c.

Compensation.

SECTION 16. The said magistrates shall, from time to time, select from among their number such magistrates as shall be necessary to act as committing magistrates at the several police stations in the city of Philadelphia, and in doing so they shall in all cases assign magistrates to duty at the station or stations which shall be most convenient to the place where their courts are held; no magistrate shall receive any additional compensation for acting as committing magistrate at any police station.

To select committing magistrates for police stations.

SECTION 17. That said magistrates' courts shall be open from nine o'clock in the morning until four o'clock in the afternoon of each and every juridical day: *Provided however*, That said magistrates may issue process and hear causes at any time.

When courts to be open.

SECTION 18. The act, entitled "An Act relative to the establishment and jurisdiction of magistrates' courts in the city of Philadelphia," approved the twenty-fifth day of May, Anno Domini one thousand eight hundred and seventy-four, and all laws or parts of laws inconsistent with this act, be and the same are hereby repealed.

Repeal.

APPROVED—The 5th day of February, A. D. 1875.

J. F. HARTRANFT.

## No. 61.

## AN ACT

To repeal an act, entitled "A supplement to an act, entitled 'An Act relative to roads and public highways in Fulton and Salisbury townships, in Lancaster county,' approved March sixteenth, eighteen hundred and sixty-eight, extending the same to Providence township, in said county," approved February fifth, eighteen hundred and sixty-nine.

SECTION 1. *Be it enacted, &c.,* That an act, entitled "A supplement to an act, entitled 'An Act relative to roads and public highways in Fulton and Salisbury townships, in Lancaster county,' approved March sixteenth, eighteen hundred and sixty-eight, extending the same to Providence township, in said county," approved February fifth, eighteen hundred and sixty-nine, be and the same is hereby repealed.

APPROVED—The 12th day of February, A. D. 1875.

J. F. HARTRANFT.

## No. 62.

## AN ACT

Directing the manner in which the courts of common pleas of Allegheny county shall detail one or more of their judges to hold the courts of oyer and terminer and quarter sessions of the peace of Allegheny county, and validating assignments heretofore made.

Manner of detail directed.

SECTION 1. *Be it enacted, &c.,* That from and after the passage of this act, and before the commencement of each term of the courts of oyer and terminer and quarter sessions of the peace, the judges of each of the courts of common pleas of Allegheny county shall alternately detail one of its judges to hold, and if they see fit, one or more judges to assist in holding said courts of oyer and terminer and quarter sessions of the peace for the next ensuing term.

How courts may be held.

SECTION 2. Each of said judges so detailed may separately hold the said courts of oyer and terminer and quarter sessions of the peace during such term, and if it appear to be necessary, they may each hold a separate branch of said courts at the same time, and for this purpose may call juries from the same general panel: *Provided*, That on the trial of indictments for homicides, two of said judges shall sit jointly, except in cases of sickness or inability to attend, and on the hearing of motions for a new trial, and in all other cases, all the judges of said courts of common pleas may sit jointly, if they deem it necessary.

Joint sittings of judges.

May dispose of undetermined causes after expiration of term.

SECTION 3. In all cases where a cause shall be tried by one or more of the judges of either of said courts of common pleas, and the same shall not be finally disposed of during the term for which said judge or judges were detailed to hold the courts of oyer and terminer and quarter sessions of the peace, the said judge or judges shall have power to determine the said cause and dispose of the same, imposing sentence.

if necessary, at any time after the expiration of the said term of which they may have been detailed, as herein provided.

SECTION 4. The order of courts of common pleas of said county of Allegheny, heretofore made, detailing the judges of the court of common pleas, number one, to hold the residue of the December term, one thousand eight hundred and seventy-four of the courts of oyer and terminer and quarter sessions of the peace of said county, is hereby validated and confirmed as the first detail under the constitution and laws of this state.

Order of detail heretofore made, validated.

APPROVED—The 27th day of February, A. D. 1875.

J. F. HARTRANFT.

No. 63.

### AN ACT

To repeal an act, entitled "An Act extending the Penn. township road law, in the county of Allegheny, to Indiana and Wilkins township, in said county," approved the twenty-seventh day of April, Anno Domini one thousand eight hundred and seventy-one, so far as said act relates to said township of Indiana.

SECTION 1. *Be it enacted, &c.,* That the act, entitled "An Act extending the Penn township road law, in the county of Allegheny, to Indiana and Wilkins townships, in said county," approved the twenty-seventh day of April, Anno Domini one thousand eight hundred and seventy-one, be and the same is hereby repealed, so far as said act relates to said township of Indiana.

APPROVED—The 3d day of March, A. D. 1875.

J. F. HARTRANFT.

No. 64.

### AN ACT

To repeal an act, entitled "An Act relating to certain fees to be paid by the county of Dauphin for arrests and commitments of inebriates, vagrants and disorderly persons in the city of Harrisburg."

SECTION 1. *Be it enacted, &c.,* That the act, entitled "An Act relating to certain fees to be paid by the county of Dauphin for arrests and commitments of inebriates, vagrants and disorderly persons in the city of Harrisburg," approved the seventh day of March, one thousand eight hundred and seventy-two, be and the same is hereby repealed: *Provided,* That nothing herein contained shall be so construed as to revive the provisions of the act, entitled "An Act relative to the fees of the mayor, aldermen, constables and police constables of the city of Harrisburg," approved the twenty-first day of April, Anno Domini one thousand eight hundred and seventy.

APPROVED—The 4th day of March, A. D. 1875.

J. F. HARTRANFT.

## No. 65.

## AN ACT

To repeal an act creating a separate highway department for the Twenty-second ward of the city of Philadelphia and supplement thereto, and providing for the settlement and adjustment of the accounts of the superintendents of highways of said ward, and the disposition of the uncollected list of taxes assessed under the said acts of assembly, and also providing for the disposition of property in the hands of said superintendents.

Act and supplements, repealed.

SECTION 1. *Be it enacted, &c.*, That the act of assembly, entitled "An Act providing for the appointment of superintendents and the election of supervisors of highways in the Twenty-second ward of the city of Philadelphia," approved March eighteenth, one thousand eight hundred and sixty-nine, and the supplements thereto, approved April tenth, one thousand eight hundred and sixty-nine, and May twenty-seventh, one thousand eight hundred and seventy-one, be and the same are (subject to the requirements of the second and third sections of this act) hereby repealed.

Superintendents to transfer lists of uncollected taxes.

SECTION 2. That within thirty days from the passage of this act the said superintendents of highways of the Twenty-second ward in the city of Philadelphia shall transfer to the collector of delinquent taxes of the city of Philadelphia full and complete lists of uncollected taxes, by them duly assessed for highway and street cleaning purposes, in accordance with the said acts of assembly; and the said collector of delinquent taxes is hereby required to collect and account for the same in the manner as he collects and accounts for other delinquent taxes under existing laws.

Councils to provide for settlement of accounts, &c.

SECTION 3. That the councils of the city of Philadelphia are hereby authorized and directed to provide by ordinance for the settlement and adjustment of the accounts of the said superintendents of highways, and to make such appropriation as may be necessary to liquidate any indebtedness of the said superintendents which has been properly and legally incurred by them in executing the duties of their said office, (if any such indebtedness shall be found to exist;) and the said councils are also directed by ordinance to designate to what officer or department of the city of Philadelphia the property now in the possession of the said superintendents of highways shall be transferred.

APPROVED—The 17th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 66.  
AN ACT

Appropriating certain surplus bounty funds in the township of North Abington and South Abington, in Luzerne county, to school purposes.

SECTION 1. *Be it enacted, &c.,* That the balance of money collected for bounty purposes in the township of North Abington and South Abington, in Luzerne county, remaining in the hands of the treasurers after payment of all bounty debt, be paid into the school treasury of said townships respectively, to be appropriated to school purposes in said townships.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 67.  
AN ACT

To re-imburse W. G. Taylor, superintendent of the soldiers' orphans' school, at Phillipsburg, Beaver county, Pennsylvania, for clothing, transportation and funeral expenses of soldiers' orphans.

WHEREAS, W. G. Taylor, superintendent of the soldiers' orphans' school, at Phillipsburg, Beaver county, Pennsylvania, did, during the years, Anno Domini one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, as an indispensable necessity for the welfare of said orphans, furnish transportation and clothing to the amount of three hundred and twenty-five dollars and thirty cents, which has never been refunded to him; therefore,

SECTION 1. *Be it enacted, &c.,* That the auditor general be authorized and is hereby required to examine the accounts and statements of the said W. G. Taylor, and issue his warrant to the state treasurer for such an amount as he may deem equitable and just; which said money shall be paid out of any moneys in the treasury not otherwise appropriated: *Provided,* Said amount shall not exceed the amount named in the bill with interest.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 68.  
AN ACT

For the relief of Amy E. Maxwell, widow of James G. Maxwell, deceased.

WHEREAS, The auditor general, by act of assembly, approved the tenth day of April, one thousand eight hundred and seventy-three, was authorized to examine the account of James G. Maxwell, deceased, for building the out-look at the head

of Nanticoke pool, lower North Branch division of the Pennsylvania canal, and report the amount found due to the next legislature :

*And whereas*, The auditor general, in pursuance of said act of assembly, has reported that no final settlement of said account has ever been made, that the contractor never signed nor accepted the final estimate, that there is a balance due on the account as kept by the commonwealth, December thirty-first, one thousand eight hundred and fifty-seven, of eighty-seven dollars and two cents, and that a large quantity of white pine timber belonging to the contractor, and not included in the contract, was used by the supervisor to prevent the towing path from sliding into the lock pit, and that said white pine timber is not included in the above balance, and the said James G. Maxwell, deceased, has not been paid for the same :

*And whereas*, Fifty thousand feet of lumber was so used; therefore,

SECTION 1. *Be it enacted, &c.*, That the sum of one thousand and eighty-seven dollars be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to pay the amount due on the contract aforesaid with James G. Maxwell, deceased, for principal, and the auditor general is hereby required to draw his warrant in favor of Amy E. Maxwell, for the amount aforesaid.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 69.

#### AN ACT

To repeal an act, entitled, "An Act relating to fees of burgesses, justices of the peace and constables, in the county of Dauphin," approved the fourth day of April, one thousand eight hundred and seventy-two.

SECTION 1. *Be it enacted, &c.*, That the act, entitled "An Act relating to fees of burgesses, justices of the peace and constables, in the county of Dauphin," approved the fourth day of April, Anno Domini one thousand eight hundred and seventy-two, be and the same is hereby repealed.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 70.

#### AN ACT

For the relief of Jacob Idle, a soldier of the war of one thousand eight hundred and twelve.

WHEREAS, Jacob Idle, of the county of Lancaster, did serve as a private in the war of one thousand eight hundred and

twelve, but not a sufficient time to entitle him to a pension under existing laws :

*And whereas*, The said Jacob Idle is now of the age of eighty years, and in indigent circumstances ; therefore,

SECTION 1. *Be it enacted, &c.*, That the state treasurer be and he is hereby authorized and required to pay to Jacob Idle, of Lancaster county, a soldier of the war of eighteen hundred and twelve, a gratuity of forty dollars and an annuity of forty dollars per annum, payable semi-annually, commencing January first, Anno Domini eighteen hundred and seventy-five : *Provided*, That when the said Jacob Idle receives a pension from the United States, the pension allowed by this act shall cease.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 71.

#### AN ACT

To repeal an act, entitled "An Act to allow the voters of the borough of Coatesville, in the county of Chester, to vote on the question of granting license to sell intoxicating liquors."

SECTION 1. *Be it enacted, &c.*, That the act, approved the fourth day of April, Anno Domini one thousand eight hundred and seventy-two, entitled "An Act to allow the voters of the borough of Coatesville, in the county of Chester, to vote on the question of granting license to sell intoxicating liquors," be and the same is hereby repealed.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 72.

#### AN ACT

To repeal an act relating to fines and forfeited recognizances, in the county of Lycoming, approved the twenty-eighth day of March, Anno Domini one thousand eight hundred and seventy.

SECTION 1. *Be it enacted, &c.*, That the provisions of an act, entitled "An Act relating to fines and forfeited recognizances, in the county of Lycoming," approved the twenty-eighth day of March, Anno Domini one thousand eight hundred and seventy, be and the same are hereby repealed, and all fines imposed and recognizances forfeited in the several courts of Lycoming county, on and after the twenty-fifth day of February, Anno Domini one thousand eight hundred and seventy-five, and not by law directed to be paid into the state treasury, shall be paid into the treasury of the county of Lycoming.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.



No. 73.

## AN ACT

Granting a pension to Josiah Brinard, of East Vincent township,  
Chester county.

WHEREAS, Josiah Brinard, late a private in company E, of the eighty-eighth regiment Pennsylvania volunteers, was honorably discharged from the service of the United States, in June, Anno Domini one thousand eight hundred and sixty-five, and since then has lost or is almost totally blind, and being poor and unable to support himself and family; therefore,

SECTION 1. *Be it enacted, &c.,* That the state treasurer be and is hereby directed to place the name of Josiah Brinard, of the township of East Vincent, in the county of Chester, on the list of pensions, at the rate of eight dollars per month, from the first day of January, Anno Domini eighteen hundred and seventy-five, and to continue and during his natural life: *Provided however,* That before said pension or any money shall be paid thereon, said Josiah Brinard shall make affidavit that he is not in receipt of a pension from the United States.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 74.

## AN ACT

To continue the pension of George Robinson of Perry county.

SECTION 1. *Be it enacted, &c.,* That the state treasurer be and is hereby authorized and required to place the name of George Robinson, of Perry county, on the list of pensioners, at the rate of eight dollars per month, from the first day of January, one thousand eight hundred and seventy-five, to continue for and during his natural life.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 75.

## AN ACT

To repeal an act, entitled "An Act relative to the fees of the mayor, aldermen, constables and police constables of the city of Harrisburg," approved the twenty-first day of April, Anno Domini one thousand eight hundred and seventy.

SECTION 1. *Be it enacted, &c.,* That the act, entitled "An Act relative to the fees of the mayor, aldermen, constables and police constables of the city of Harrisburg," approved the twenty-first day of April, Anno Domini one thousand eight hundred and seventy, be and the same is hereby repealed; and the said aldermen, constables and police consta-

bles of the said city of Harrisburg, shall hereafter be entitled severally to receive for services rendered by them the fees and perquisites allowed by the act of assembly, passed the twenty-eighth day of March, in the year one thousand eight hundred and fourteen, entitled "An Act establishing a fee bill," and no other or greater.

APPROVED—The 30th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 76.

### AN ACT

To provide for the settlement of the claim of Emanuel Peters and John Loutey.

SECTION 1. *Be it enacted, &c.,* That the auditor general, state treasurer, secretary of internal affairs and secretary of the commonwealth, be and they are hereby authorized to examine the accounts and claim of Emanuel Peters and John Loutey against the state for expenses incurred in the construction of the Central passenger railway, and make report thereof to the legislature at its adjourned annual session in eighteen hundred and seventy-six.

APPROVED—The 12th day of April, A. D. 1875.

J. F. HARTRANFT

No. 77.

### AN ACT

To authorize an additional judge of the several courts in the Nineteenth judicial district.

SECTION 1. *Be it enacted, &c.,* That the qualified electors of the county of York, constituting the Nineteenth judicial district, shall, at the next general election, in the manner prescribed by law for the election of president judge, elect one person for said district, learned in the law, to serve as an additional judge of the several courts in said district; said additional judge shall possess the same qualifications which are required by the constitution and the laws for president judge, and shall be commissioned by the governor, and hold his office by the same tenure as other judges of courts of record required to be learned in the law; the said additional judge shall have the same power, authority and jurisdiction in the several courts of the said district, and be subject to the same duties, provisions and penalties as the president judge thereof, and receive the same compensation for his services, to be paid out of the state treasury in quarterly payments, in the same manner as the salaries of president judges are now paid; that the said additional judge shall have the same power and authority to hold special and ad-

Additional judge to be elected.

Qualifications.

To be commissioned

Tenure of office.

Powers, jurisdiction, &c.

Compensation.

Power to hold special and adjourned courts.

journe'd courts in his own or other judicial districts as president judges have by existing laws.

**Trial of civil actions** SECTION 2. Any one of the judges of the said Nineteenth judicial district shall have power to try all civil pleas, and actions, real, personal and mixed; and it shall be lawful for any one of the said judges, when he thinks it expedient, to reserve question of law which may arise on the trial of a cause for the consideration and judgment of both of the judges of the said court sitting together: *Provided*, That if the said judges shall disagree on any question reserved as aforesaid, the opinion of the judge before whom the cause was tried shall stand as the judgment of the court: *And provided also*, That either party shall have the right to a bill of exceptions to the opinion of the court as if the point had been ruled and decided on the trial of the cause.

**Reservation of questions of law.**

**Disagreement on questions of law.**

**Right to bill of exceptions.**

**Power to hold criminal courts, &c.**

SECTION 3. Any one of the judges of said court shall have full power and authority to hold the courts of oyer and terminer and general jail delivery and quarter sessions of the peace, for the trial of all indictments, and also for the passing of sentences and for the adjudication of cases of breaches of the peace, for the punishment of all contempts, and to make such order and decrees and render all such judgments as he shall consider legal and equitable in such cases as he has jurisdiction.

**Power to hold orphans' court in absence of an associate judge.**

**Each judge to have equal jurisdiction.**

**Governor may appoint.**

SECTION 4. Any one of the judges of said courts shall have power to hold an orphans' court in the absence of an associate judge, in the same manner as though an additional judge had not been authorized by this act, and each of said judges shall have equal jurisdiction in criminal or civil courts.

SECTION 5. The governor is hereby authorized, by and with the consent of the senate, to appoint some competent person learned in the law, as additional judge of the Nineteenth district until the next general election.

APPROVED—The 12th day of April, A. D. 1875.

J. F. HARTRANFT.

No. 78.

AN ACT

To re-imburse A. H. Waters, superintendent of the soldiers' orphans' schools, at Uniontown, Fayette county, Pennsylvania, for clothing and funeral expenses of soldiers' orphans.

WHEREAS, A. H. Waters, superintendent of the soldiers' orphans' school, at Uniontown, Fayette county, Pennsylvania, did, during the years, Anno Domini one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, as an indispensable necessity, furnish clothing and pay funeral expenses for the same, to the amount of four hundred and thirty-eight dollars and seventy-six cents, which has never been refunded to him; therefore,

SECTION 1. *Be it enacted, &c.*, That the auditor general be authorized and is hereby required to examine the account and statement, under oath, of the said A. H. Waters, and issue

his warrant on the state treasurer for such amount as he may find justly due, not to exceed, however, the sum of four hundred and thirty-eight dollars and seventy-six cents; which said sum shall be paid out of any moneys in the treasury not otherwise appropriated.

APPROVED—The 12th day of April, A. D. 1875.

J. H. HARTRANFT.

## RESOLUTIONS

PASSED AT SESSION OF EIGHTEEN HUNDRED AND SEVENTY-FIVE.

## No. 1.

## JOINT RESOLUTION

Providing for the printing of additional copies of the reports of the board of commissioners of the geological survey of Pennsylvania.

SECTION 1. *Be it resolved, &c.,* That five thousand copies be printed of the report on the mineralogy of Pennsylvania, by F. A. Genth, and the special report on petroleum, by Mr. Henry E. Wrigley, with accompanying maps and charts, reported by the board of commissioners of the geological survey of Pennsylvania, one thousand copies for the use of the senate, and four thousand copies for the use of the house of representatives.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

## No. 2.

## JOINT RESOLUTION

Providing for additional copies of Smull's Legislative Hand-Book.

SECTION 1. *Be it resolved, &c.,* That three thousand additional copies of Smull's Legislative Hand-Book, for eighteen hundred and seventy-five, be furnished for the use of the members of the legislature, one thousand copies thereof for the use of the members of the senate, and two thousand copies thereof for the use of the members of the house.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

## No. 3.

## JOINT RESOLUTION

Providing for a special committee to make an investigation into the affairs of the Philadelphia and Reading Railroad Company and the Philadelphia and Reading Coal and Iron Company.

WHEREAS, The Philadelphia and Reading Railroad Company, who are the ostensible stockholders of the Philadelphia and Reading Coal and Iron Company, are mining and selling coal in direct violation of their chartered rights:

*And whereas*, It has been represented upon good authority that the Philadelphia and Reading Railroad Company have conspired to improperly control the mining and transportation and price of coal:

*And whereas*, The complaint is of grave import, and warrants a careful investigation by this body to determine whether the said Philadelphia and Reading Railroad Company or the Philadelphia and Reading Coal and Iron Company have in any manner exceeded the rights and privileges granted to them by their charter; therefore,

SECTION 1. *Be it enacted, &c.*, That a special committee be appointed, consisting of five members from each house, for the purpose of making a full, careful and thorough investigation into the affairs of the Philadelphia and Reading Railroad Company and the Philadelphia and Reading Coal and Iron Company, so far as they relate to the mining, transportation, control of, production and price of coal, with power to send for persons and papers, to employ necessary clerical assistance at such compensation as may be just, to sit at such times and places as may be necessary to ascertain all the facts bearing on the subject, (all reasonable expenses to be paid from the state treasury,) and to report to this legislature the result of their investigation and what legislative action is necessary to correct the evils complained of.

APPROVED—The 16th day of April, A. D. 1875.

J. F. HARTRANFT.

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#### No. 4.

#### JOINT RESOLUTION

Providing for the payment of expenses of serving writ of election to fill vacancy in the district composed of the county of Armstrong.

SECTION 1. *Be it resolved, &c.*, That the sum of fifty dollars and sixty-eight cents be appropriated out of any moneys not otherwise appropriated, for the purpose of defraying the expenses and mileage of serving writ of election to the sheriff of Armstrong county, caused by the death of John A. Hunter; said money to be drawn by warrant signed by the speaker of the house.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

## No. 5.

## JOINT RESOLUTION

Providing for the payment of expenses of serving writ of election to fill the vacancy in the district composed of the county of Washington, and for serving writs of election in the thirty-fourth senatorial district.

SECTION 1. *Be it resolved, &c.*, That the sum of forty-nine dollars and sixty-eight cents be appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of defraying the expenses and mileage of serving writ of election to the sheriff of Washington county, caused by the death of John Farrer, (said money to be drawn by warrant signed by the speaker of the house,) and eighty-four dollars and seventy cents for the payment of expenses and mileage of service of writs of election to fill the vacancy in the Thirty-fourth senatorial district, composed of the counties of Clinton, Clearfield and Centre, caused by resignation of senator W. A. Wallace.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

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## No. 6.

## JOINT RESOLUTION

Providing for the payment of the expenses of serving the writ of election to fill vacancy in the district composed of the county of Centre.

SECTION 1. *Be it resolved, &c.*, That the sum of twenty-eight dollars and twenty-four cents be appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of defraying the expenses and mileage of serving writ of election to the sheriff of Centre county, caused by the death of S. S. Wolf; said money to be drawn by warrant signed by the speaker of the house.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

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## No. 7.

## JOINT RESOLUTION

Providing for the payment of the expenses of serving writ of election to fill vacancy in the district composed of the county of Berks.

SECTION 1. *Be it enacted, &c.*, That the sum of eleven dollars and forty-eight cents be appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of defraying the expenses and mileage of serving writ of election to the sheriff of Berks county, caused by the death

of D. S. Batdorf; said money to be drawn, signed by the speaker of the house.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 8.

JOINT RESOLUTION

Providing for the payment of the expenses of serving the writ of election to fill vacancy in the Third district of Philadelphia.

SECTION 1. *Be it resolved, &c.*, That the sum of twenty-three dollars and thirty-two cents be appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of defraying expenses and mileage of serving writ of election to the sheriff of Philadelphia, caused by the death of William H. Fagan; said money to be drawn by warrant signed by the speaker of the house.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 9.

JOINT RESOLUTION

Providing for the pay of the sergeant-at-arms, clerk and witnesses in the investigation ordered by the senate as to the liability for expenses incurred by the state in suppressing the Susquehanna riot.

SECTION 1. *Be it resolved, &c.*, That the sum of one hundred and ninety dollars and sixty-eight cents be and the same is hereby appropriated to pay the expenses of the officers of the senate and witnesses in the investigation ordered by the senate as to the liability for expenses incurred by the state in suppressing the Susquehanna riot, to be paid upon vouchers filed in the office of the auditor general.

APPROVED—The 18th day of March, A. D. 1875.

J. F. HARTRANFT.

No. 10.

JOINT RESOLUTION

To provide for the payment of B. F. Burroughs, engineer, and Daniel Best and William M'Guire, firemen, for services rendered from October first to December first, one thousand eight hundred and seventy-four, under direction of the chief clerk.

WHEREAS, By an act of assembly, entitled "An Act fixing the compensation of members of the general assembly, and the number, duties and compensation of the officers and employees thereof," approved May eleventh, one thousand eight hundred and seventy-four, it is provided in section five of



said act that the engineer and fireman shall be paid three dollars per day for every day necessarily employed under the direction of the chief clerk during the recess :

*And whereas*, Said act did not take effect until December first, Anno Domini one thousand eight hundred and seventy-four, and said engineer and fireman were employed under the direction of the chief clerk, in the performance of their duties, from October first, one thousand eight hundred and seventy-four, to December first, one thousand eight hundred and seventy-four, for the payment of which service no provision is made by law ; therefore,

SECTION 1. *Be it resolved, &c.*, That the state treasurer be and he is hereby authorized and required to pay to B. F. Burroughs, engineer, and Daniel Best, fireman, compensation for services rendered, under direction of the chief clerk, from October first, one thousand eight hundred and seventy-four, to December first, one thousand eight hundred and seventy-four, at the same rate per day as is authorized to be paid said officers by the act approved May eleventh, one thousand eight hundred and seventy-four, entitled "An Act fixing the compensation of members of the general assembly, and the number, duties and compensation of the officers and employees thereof."

SECTION 2. That the state treasurer shall pay William M'Guire, fireman, eighty-eight dollars, pay and mileage as retiring fireman in the senate at the present session

APPROVED—The 18th day of March, A. D 1875.

J F. HARTRANFT.

## CERTIFICATE.

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SECRETARY'S OFFICE,  
HARRISBURG, PA., *April 24, 1875.* }

I CERTIFY, That in obedience to the directions of an act of the General Assembly of the Commonwealth of Pennsylvania, I have collated with and corrected by the original rolls on file in this office, the proof-sheets of the printed copies of this edition of the laws and resolutions of the General Assembly, passed during the session ending the eighteenth day of March, A. D. 1875.

M. S. QUAY,  
*Secretary of the Commonwealth.*



# A PROCLAMATION BY THE GOVERNOR.

PENNSYLVANIA, 88:



In the name and by the authority of the Commonwealth of Pennsylvania, JOHN F. HARTRANFT, *Governor of the said Commonwealth*:

## A PROCLAMATION.

I, JOHN F. HARTRANFT, Governor of the Commonwealth of Pennsylvania, have caused this proclamation to issue, and in compliance with the provisions of article IV, section 15, of the Constitution thereof, do hereby give notice, that I have filed, with my objections thereto, in the office of the Secretary of the Commonwealth, the following bills passed by both houses of the General Assembly, viz:

Senate bill, No. 20, entitled "An Act to declare the trustees of the General Assembly of the Presbyterian church in the United States of America to be the legal successors of the trustees of the Presbyterian house, and to authorize the latter corporation to transfer the property held by them to the former."

Senate bill, No. 25, entitled "A supplement to an act relating to writs of *quo warranto*, approved June fourteen, one thousand eight hundred and thirty-six, authorizing writs of *quo warranto* in certain cases."

House bill, No. 39, entitled "A supplement to an act, entitled 'An Act entitled to provide for the destruction, and to prevent the spread of Canada thistles,' approved the twenty-second day of March, one thousand eight hundred and sixty-two."

Senate bill, No. 40, entitled "An Act to repeal the first section of an act relative to the appointment of sealer of weights and measures, approved the twentieth day of February, eighteen hundred and seventy-two, so far as the same relates to the appointment of such officer in and for the county of Dauphin."

Senate bill, No. 65, entitled "An Act to validate certain conveyances made by married women."

Senate bill, No. 82, entitled "A supplement to an act, entitled 'An Act relative to courts in this Commonwealth,' approved May four, one thousand eight hundred and fifty-two, to provide for the service of writs on agents, clerks, attorneys-in-fact, managers or general agents of non-resident defendants in certain cases."

Senate bill, No. 174, entitled "An Act authorizing common carriers, factors, commission merchants and other persons to sell goods, wares, merchandise, baggage and other property unclaimed or perishable, upon which they have a lien."

Senate bill, No. 183, entitled "An Act to amend an act concerning the sale of railroads, canals, turnpikes, bridges and plank roads, approved the eighth day of April, one thousand eight hundred and sixty-one, and to extend the provisions thereof to all corporations."

Given under my hand and the great seal of the State, at Harrisburg, this sixteenth day of April, in the year of our Lord one thousand eight hundred and seventy-five, and of the Commonwealth the ninety-ninth.

BY THE GOVERNOR:

J. F. HARTRANFT.

M. S. QUAY,

*Secretary of the Commonwealth.*

LIST OF CHARTERS OF CORPORATIONS

*Created and organized under act of April 29, 1874, entitled "An Act to provide for the incorporation and regulation of certain corporations," enrolled in the Office of the Secretary of the Commonwealth between the 14th day of July, A. D. 1874, and the 1st day of May, A. D. 1875. Published in pursuance of the provisions of the forty-fifth section of the aforesaid act of April 29, 1874:*

STYLE AND TITLE OF CORPORATION.	PURPOSE.	LOCATION.
Walton Wrench Manufacturing Company. Capital stock \$80,000.	Manufacturing wrenches from iron and other metals, and from iron and other metals combined with wood.	Girard, Erie county, Pa.
The Nimson Forge and Axle Company. Capital stock \$100,000.	Manufacturing and selling wagon axles, and all kinds of forging and finished work, from iron, steel, brass and other metals.	Allentown city, Lehigh county, Pa.
The Franklin Brush Company. Capital stock \$50,000.	The manufacture of brushes.	Franklin city, Venango county, Pa.
Keystone Safety Gas Machine Company. Capital stock \$100,000.	Making machines for producing an illuminating medium known as "air gas," under various patents owned and held by said corporation, with the right to procure and purchase additional patents, and sell the same, as well as rights and licenses thereunder; and likewise to sell the patented articles so manufactured.	Philadelphia.
The Susquehanna and Oakland Bridge Company. Capital stock \$10,000.	To build, construct and maintain (together with the necessary approaches thereto) a safe, substantial and convenient wagon and foot bridge across the Susquehanna river, between the borough of Susquehanna Depot and the township of Oakland, in the county of Susquehanna, for public use, and with the right of erecting toll-gates, and to demand and receive such rates of toll for crossing said bridge as the president and directors of said corporation may from time to time establish, not exceeding however the rates as limited by the act of April 29, 1874, providing for the incorporation and regulation of certain corporations.	Susquehanna Depot borough and Oakland township, Susquehanna county, Pa.

## LIST OF CHARTERS OF CORPORATIONS—CONTINUED.

STYLE AND TITLE OF CORPORATION.	PURPOSE.	LOCATION.
Green Hill Building and Loan Association No. 2. Capital stock \$1,000,000.	Obtaining the powers, privileges and franchises of the act of April 20, 1874, providing for the incorporation and regulation of certain corporations, as set forth in the first clause of the thirty-seventh section thereof.	Philadelphia city.
The Workmen's Building Association of Chester. Capital stock \$300,000.	Accumulating a fund to enable members to purchase or build such real estate as they may deem advantageous.	Chester city, Delaware county, Pa.
Herald Publishing Company. Capital stock \$40,000.	Carrying on the publication of the Evening Herald, and other publishing business.	Philadelphia city.
* National Savings' Fund and Building Association. Capital stock not to exceed \$1,000,000.	The accumulation of a fund by the payment of monthly instalments on the stock, premium and interest on loans, fines for the non-payment thereof and income from real estate, to be used in the purchase and sale of real estate, erection of buildings, loans to members, re-payment of the stock, and such other instruments as may be deemed most advantageous to the members and shareholders of the association, and generally to possess and enjoy all the objects, rights, privileges and powers conferred upon building and loan associations by the act of Assembly of the Commonwealth of Pennsylvania, entitled "An Act to provide for the incorporation and regulation of certain corporations," approved the 26th day of April, A. D. 1874.	Philadelphia city.
The Lehigh Slate Company. Capital stock \$125,000.	Mining, manufacturing and vending all kinds of slate and slate material.	Lehigh co., Pa.; the business of the corp. to be transacted in Slatington & elsewhere, as found necessary.
Allentown and Coopersburg Turnpike Company. Capital stock \$25,000.	Constructing a turnpike road from the city of Allentown, Lehigh county, to a point in the public road leading from Coopersburg to Philadelphia, where it intersects the line dividing Lehigh county from Bucks county.	Lehigh county, Pa.; the business of the corporation to be transacted at Coopersburg.
Commodore Barry Building and Loan Association. Capital stock \$1,000,000.	Building and loan association.	Philadelphia city and county.

# CHARTERS OF CORPORATIONS.

<p>The Schuylkill Tanning and Manufacturing Company.</p> <p>Capital stock \$10,000.</p>	<p>To buy hides, manufacture leather, manufacture bone dust and other fertilizers, and to prepare for market and sell the same.</p>	<p>Mineraville borough, Schuylkill county, Pa.</p>
<p>The South Danville and Riverside Water Company.</p> <p>Capital stock \$6,000.</p>	<p>To supply the citizens of South Danville, and the borough of Riverdale, in the county of Northumberland, with water, to be taken from the spring situate on the farm of Mary Yorks, in the township of Rush, in the said county of Northumberland.</p>	<p>Northumberland county, Pennsylvania; the business of the corporation to be transacted in South-Danville, in said county.</p>
<p>The Union Building and Loan Company.</p> <p>Capital stock \$500,000.</p>	<p>Accumulating a fund by the savings of its members, sufficient to enable them to build or purchase for themselves dwelling houses, or invest the same as they deem proper.</p>	<p>Bristol borough, Bucks county, Pa.</p>
<p>The Progressive Building and Loan Association No. 2.</p> <p>Capital stock \$500,000.</p>	<p>Carrying on the business of a building and loan association,</p>	<p>Philadelphia.</p>
<p>The Choptank Improvement Company.</p> <p>Capital stock \$3,000.</p>	<p>Erecting and maintaining suitable sidings, schutes and other buildings necessary for coal, lime and feed, storage warehouse and storage yard business.</p>	<p>Whitpain township, Montgomery county, Pa.</p>
<p>Ambler Building and Loan Association.</p> <p>Capital stock \$250,000.</p>	<p>Loaning and advancing to the stockholders thereof the moneys accumulated from time to time, with the power and right to secure the re-payment of such moneys, by bond and mortgage or other securities, as well the power and right to purchase or erect houses, and to sell, convey, lease or mortgage the same, at pleasure, to the stockholders or others for the benefit of the stockholders, in such manner, and in case of non-payment of instalments, premiums or interest by borrowing stockholders, for six months, payment of principal, premium or interest, without deducting the premium paid, and interest thereon, may be enforced by proceedings on the securities according to law.</p>	<p>Village of Ambler, in Upper Dublin township, Montgomery county, Pa.</p>
<p>The Householders' Building and Loan Association.</p> <p>Capital stock \$1,000,000.</p>	<p>Obtaining the powers and franchises set forth and contained in clause 1, section 37, of act of April 29, 1874, providing for the incorporation and regulation of certain corporations.</p>	<p>Philadelphia city and county, Pa.</p>



## LIST OF CHARTERS OF CORPORATIONS—CONTINUED.

STYLE AND TITLE OF CORPORATION.	PURPOSE.	LOCATION.
St. Timothy's Building and Loan Association of the city of Philadelphia. Capital stock \$1,000,000.	Accumulating a fund by the savings of the members, to enable the stockholders to buy land and houses, and to build houses and sell the same to its stockholders, and to exercise such other privileges as are conferred by the act of Assembly of the 28th day of April, 1874, providing for the incorporation and regulation of certain corporations.	Philadelphia city.
Philadelphia Burial Case Company. Capital stock \$100,000.	Manufacturing burial cases, general wood work and seasoning lumber.	Philadelphia city.
The Frankford Road Land Company. Capital stock \$110,700.	Purchase of land in the city and county of Philadelphia, not to exceed twenty-five acres, and to make sale of the same to the stockholders of said corporation, in such parts and parcels, and on such terms as to time of payment as they may determine.	Philadelphia city.
Ashland Gas Light Company. Capital stock \$25,000.	Manufacturing gas, heat and light from coal or other material for Ashland borough and contiguous villages.	Ashland, Schuylkill county, Pa.
The Safeguard Building and Loan Association of Philadelphia. Capital stock \$1,000,000.	Accumulating a fund by the savings of the members thereof for the purpose of enabling the stockholders to build or purchase for themselves, respectively, dwelling houses or other real estate.	Philadelphia city.
The Third Ward Building and Loan Association. Capital stock \$500,000.	Procuring a fund by the monthly payments of the stockholders, and loaning out the same to the stockholders, and securing the re-payment thereof.	Philadelphia city and county, Pa.
The Lancaster Bolt Company. Capital stock \$20,000.	Manufacturing bolts of all kinds.	Lancaster, Pa.
Doylesstown and Dublin Turnpike Road Company. Capital stock \$18,000.	Constructing a turnpike road, the same to be made of stone,	Bucks co., Pa.; the business of the corporation to be transacted at the Red Lion hotel, on Broad st., in Hallowell town, p. in said county.

<p>The Welcome Building and Loan Association of Philadelphia. Capital stock not to exceed \$500,000.</p>	<p>The accumulation of a fund by the savings of the members thereof, sufficient to enable the stockholders to build or purchase for themselves, respectively, dwelling houses or other real estate, or invest in any other lawful business.</p>	<p>Philadelphia city and county, Pa.</p>
<p>The Pittsburgh Wagon Works. Capital stock \$75,000.</p>	<p>Manufacture of all kinds of wagons, carts, coaches, omnibuses, cars and other vehicles, as also wheelbarrows, hand-carts and agricultural implements.</p>	<p>Allegheny city and county, Pa.</p>
<p>The Susquehanna Water Company. Capital stock \$5,000.</p>	<p>To provide, construct and maintain all proper and necessary buildings, cisterns, reservoirs, pipes, and conduits for the reception and conveyance of water, and to supply the public or the inhabitants of the borough of Susquehanna Depot, by the use thereof at such reasonable rates as may be agreed upon, with pure water.</p>	<p>Susquehanna Depot borough, Susquehanna county, Pa.</p>
<p>The Bristol Water Company. Capital stock \$80,000.</p>	<p>Supplying the borough of Bristol and the adjacent village of Pinegrove, in the county of Bucks, and State of Pennsylvania, with water.</p>	<p>Bucks county, Pa.; the business of the corporation to be transacted in the borough of Bristol.</p>
<p>The National Publishing Association for the promotion of holiness. Capital stock \$50,000.</p>	<p>The printing and publishing of papers, magazines, tracts, books, music, &amp;c., appertaining to the object set forth in the title.</p>	<p>Philadelphia, with offices at such other places as may become necessary for the transaction of its business.</p>
<p>The George W. Hyde Loan and Building Association No. 2. Capital stock \$500,000.</p>	<p>Accumulating a fund for the benefit of the stockholders from monthly contributions, premiums, interest on loans, and fines, sufficient to aid the members thereof in building or purchasing homesteads or other real estate for themselves.</p>	<p>Philadelphia city and county, Pa.</p>
<p>The Susquehanna Ferry Company, Capital stock \$750.</p>	<p>Ferrying freight and passengers, and the United States mail, on and over the Susquehanna river.</p>	<p>Dauphin and Perry counties, Pennsylvania; the business of the corporation to be transacted in Millersburg, in the said county of Dauphin.</p>
<p>The West Market Street Building and Loan Association. Capital stock not to exceed \$1,000,000.</p>	<p>The accumulation of a fund by the contributions of its members and profits from investments, to assist the stockholders in acquiring a homestead by the purchase of real estate, the satisfaction of mortgages, and the redemption of ground rents.</p>	<p>Philadelphia city.</p>
<p>The Pittsburgh Storage Company. Capital Stock \$5,000.</p>	<p>Receiving, preserving and storing all kinds of merchandise..</p>	<p>Pittsburg city, Allegheny county, Pennsylvania.</p>

## LIST OF CHARTERS OF CORPORATIONS—CONTINUED.

STYLE AND TITLE OF CORPORATION.	PURPOSE.	LOCATION.
St. Patrick's Building Association. Capital stock \$100,000.	{ Accumulating a fund by contributions, which shall enable the members to purchase a homestead or other real estate.	{ Philadelphia city.
The Olive Building Association. Capital stock \$1,000,000.	{ Accumulating a fund by contributions of the members, which shall enable them to purchase a homestead or other real estate, or to borrow money for investment in any lawful business.	{ Philadelphia city and county, Pa.
The German South-eastern Building Association. Capital stock \$1,000,000.	{ Accumulating a fund by contributions of the members, which shall enable them to purchase a homestead or other real estate, or to borrow money for investment in any lawful business.	{ Philadelphia city and county, Pa.
The Oak Building Association. Capital stock \$1,000,000.	{ Accumulating a fund by contributions of the members, which shall enable them to purchase a homestead or other real estate, or to borrow money for investment in any lawful business.	{ Philadelphia city and county, Pa.
Central Building and Loan Association of the Seventeenth Ward, Pittsburgh. Capital stock not to exceed \$400,000.	{ The accumulation of a fund from the periodical payment of dues by its members, interest and premiums on loans and profits on investments, to aid the members thereof to purchase homesteads or other real estate, and generally to do and perform such other acts as building and loan associations may lawfully do.	{ Pittsburgh city.
The Germania Building Association, No. 2. Capital stock \$1,000,000.	{ Accumulating a fund by contributions of the members, which shall enable them to purchase a homestead or other real estate.	{ Philadelphia city and county, Pa.
The Sixteenth Ward Building Association. Capital stock \$1,000,000.	{ Accumulating a fund by contributions of the members, which shall enable them to purchase a homestead or other real estate.	{ Philadelphia city and county, Pa.
The Monitor Building and Loan Association. Capital stock \$1,000,000.	{ Accumulating a fund by contributions, to enable its members to purchase real estate and other property.	{ Philadelphia city and county, Pa.

The Downingtown Building and Improvement Company. Capital stock \$5,000.	Building houses by the accumulation of a fund for the benefit of the stockholders from monthly contributions, premiums, interest, loans, &c., sufficient to enable them to build homesteads, and other business, and sell the same, as provided by the act of April 29, 1874, providing for the incorporation and regulations of certain corporations.	Downingtown, Chester county, Pa.
The Standard Publishing Company. Capital stock \$5,000.	To prosecute the newspaper, and the printing and publishing business, in all its branches, and to purchase, hold, sell and convey such real and personal property as may be necessary to promote the objects of said company.	Pottsville borough, Schuylkill co.
The New Commercial Loan and Building Association. Capital stock \$1,000,000.	Accumulating a fund by contributions from its members, which shall enable them to purchase homesteads or other real estate.	Philadelphia city and county, Pa.
The Influential Building and Loan Association of the city of Philadelphia. Capital stock \$1,000,000.	The accumulation of a fund, by the savings of the members thereof, sufficient to enable them, through the aid of said corporation, to engage in business, and build or purchase for themselves, dwelling houses or other real estate as they may deem advantageous.	Philadelphia city.
The German Reform Building Association of Philadelphia. Capital stock \$500,000.	Accumulating a fund by contributions which shall enable the members to purchase a homestead or other real estate, or to borrow money for investment in any lawful business.	Philadelphia city.
Emaus Building and Loan Association. Capital stock \$200,000.	Carrying on the business of a building and loan association, under the provisions of the act of Assembly, approved the 29th day of April, A. D. 1874, providing for the incorporation and regulation of certain corporations.	Emaus borough, Lehigh co., Pa.
The Guarantee Building and Loan Association. Capital stock \$500,000.	Accumulating a fund by contributions, which shall enable the members thereof to purchase a homestead or other real estate, and to enjoy the privileges of act of April 29, 1874, providing for the incorporation and regulation of certain corporations.	Philadelphia city and county.
Prospect Building and Loan Association. Capital stock \$150,000.	The accumulation of a fund by weekly payments sufficient to make loans to its members from time to time, and to enable them to procure homesteads, or to prosecute their lawful business.	Pittsburg city, Allegheny county.

## LIST OF CHARTERS OF CORPORATIONS—CONTINUED.

STYLE AND TITLE OF CORPORATION.	PURPOSE.	LOCATION.
The Mahanoy City Gas Company. Capital stock \$30,000.	Manufacturing illuminating gas for consumption in the borough of Mahanoy City and vicinity.	Mahanoy City borough, Schuylkill county, Pa.
Adams and Perry Watch Manufacturing Company of Lancaster. Capital stock \$100,000.	Manufacturing watches and materials used in the construction of watches and watchmaker's tools.	Lancaster city, Lancaster county.
The International Publishing Company. Capital stock \$30,000.	The transaction of a printing and publishing business.	Philadelphia city, Pa.
The Buffalo Coal Company. Capital stock \$1,000,000.	Mining and preparing for market coal, iron ore, fire clay and other minerals, and manufacturing iron, fire brick, mineral oil, lumber and other products of their lands in the counties of M'Kean and Elk, in the Commonwealth of Pennsylvania, and transporting the same to market, and to dispose of the same, by sale or otherwise, and making all such improvements and erections, and doing any and all acts necessary, needful and proper for the accomplishment of the purposes aforesaid.	M'Kean and Elk counties, Pa.; the business of the corporation to be transacted at some point or points in the townships of Sergeant and Norwich, M'Kean county, and Jones township, Elk county, and in the city of Buffalo, in the State of New York.
The First National Saving Fund and Loan Association of Conshohocken. Capital stock \$500,000.	Accumulating a fund by the savings of the members thereof, to be loaned to each other, to enable each stockholder to invest his savings safely, and to acquire the power of a corporation, to sue and be sued, plead and be impleaded in any court or courts of law or equity.	Conshohocken bor., Montgomery county, Pa.
The Germantown and Glenwood Avenue Land Company. Capital stock \$38,500.	Purchasing land in the city of Philadelphia, and selling the same to the stockholders, in such parts and parcels, and upon such terms as to payments as said company may determine upon.	Philadelphia city.
Wells and Flope Company. Capital stock \$100,000.	Manufacturing and selling Wells' patent metallic signs, the manufacturing and selling advertising signs of every description, together with a general lithographic and printing business.	Philadelphia city.

Fifth Humboldt Building and Savings Association. Capital stock \$600,000.	Accumulating a fund by contributions, and loaning the same to its members upon good security, which will enable them to purchase a homestead or other real estate.	Philadelphia city.
The Madison Savings and Loan Association. Capital stock \$500,000.	Accumulating a fund by contributions, which shall enable the members to purchase homesteads or other real estate, and to give, take and satisfy mortgages, or to invest in the improvement of their lands, in the manner and to the extent set forth in the first clause of the thirty-seventh section of the act of April 29, 1874, providing for the incorporation and regulation of certain corporations.	Philadelphia city.
The Plymouth Gas Company. Capital stock \$20,000.	Manufacturing and supplying the citizens of Plymouth borough, Luzerne county, and vicinity, with gas.	Plymouth borough, Luzerne co., Pa.
Ionic Building and Loan Association. Capital stock \$1,000,000.	The accumulation of a fund by the saving of the members thereof, sufficient to enable the stockholders to build or purchase for themselves, respectively, dwelling houses or other real estate, or invest in any lawful business that may seem most advantageous.	Philadelphia city.
The Western Electric Telegraph and Instruction Company. Capital stock \$12,000.	Instructing theoretically and practically the art, science and knowledge of electric telegraphy, and constructing, owning, operating and maintaining lines of electric telegraphs to facilitate the acquisition of such knowledge.	Philadelphia city, Pa.
The Borrowers' Building and Loan Association. Capital stock \$500,000.	To accumulate a fund by contributions, which shall enable the members to purchase a homestead or other real estate, and for these purposes to have, and possess and enjoy all the rights, benefits and privileges of the act of April 29, 1874, providing for the incorporation and regulation of certain corporations.	Philadelphia city.
* The Fulton Coal Company. Capital stock \$360,000.	To carry on the business of mining coal in and upon the lands of the company, in Coal township, Northumberland co., Pa., and to prepare for market the produce of all mines upon said lands, and to vend the same, or to lease the said lands, or any part or parts thereof, to tenants, for like purposes, and to do or cause to be done all lawful acts or things necessary or convenient for carrying on such purpose and business.	Northumberland county, Pa.; the business of the company to be transacted in said county, and in the city and county of Philadelphia.

\* A re-charter.

## LIST OF CHARTERS OF CORPORATIONS—CONTINUED.

STYLE AND TITLE OF CORPORATION.	PURPOSE.	LOCATION.
Oil City Pipe Company. Capital stock \$100,000.	The transportation, storage, shipment and insurance of petroleum, and to lay down, construct and maintain pipes, tanks and such other devices or arrangements for carrying on said business.	Venango, Warren, Forest, Armstrong, Clarion, Butler, Crawford and Erie counties, Pa.; the principal office of the company to be at Oil City, Venango county.
The Pittsburgh Chain and Car Link Manufacturing company. Capital stock \$240,000.	Manufacturing chains, cables, swivels and car links, together with reels or spools, casks and such other appliances as may be necessary in carrying on the business of said corporation, with the privilege of supplying the railroad company and other parties, with water from tanks at the works of said corporation.	New Brighton, Beaver county, Pa.
Continental Building and Loan Association. Capital stock \$500,000.	Accumulating money, granting loans to its members and other lawful business.	Pittsburg city, Pa.
Allegheny and Cork's Run Ferry Company. Capital stock \$3,000.	The establishment and maintenance of a ferry across the Ohio river, in the county of Allegheny, State of Pennsylvania, from opposite the foot of Locust street, in the City of Allegheny, to a point at or near the mouth of Cork's run, on the south side of the Ohio river.	Allegheny county, Pa.; the business of the company to be transacted in Allegheny city.
The South Side Building and Loan Association of Pittsburg, Pa. Capital stock \$200,000.	Aiding its members to procure homes for themselves; to assist them in their business, and generally to have and enjoy all the powers, and be subject to all the restrictions, contained in section thirty-seven of the act of April 23, 1874, providing for the incorporation and regulation of certain corporations.	Pittsburg, Allegheny county, Pa.
The Schuylkill Land Improvement Company. Capital stock \$200,000.	Loaning money to its stockholders, purchasing houses and lands, and selling the same, improved or unimproved, to their stockholders or others.	Shenandoah borough, Schuylkill county.
The Episcopal Register Publishing Company. Capital stock \$50,000.	Printing and publishing "The Episcopal Register" newspaper.	Philadelphia city and county; the business of the company to be transacted in said city, and in the cities of New York and Baltimore.

The Masonic Hall Association of Ardmore, in the county of Montgomery. Capital stock \$25,000.	Maintaining a hall at Ardmore, in Montgomery county, to accommodate Masonic and other associations, and to provide rooms for public use and business purposes generally.	Village of Ardmore, Montgomery county, Pa.
The Butler Mining and Manufacturing Company. Capital stock \$300,000.	Mining coal and other minerals, and transporting the same to market, and establishing manufactories of iron.	Butler county, Pa.; the office of the company to be at the mines, near Murrinsville, in said county and state.
The Loiseau Pressed Fuel Company. Capital stock \$100,000.	Manufacturing fuel from coal waste, or slack and clay, and to sell the same.	Philadelphia city.
Shamokin Gas Light Company. Capital stock \$25,000.	Manufacturing and distributing illuminating gas within the borough of Shamokin and vicinity.	Shamokin borough, Northumberland county, Pa.
Harrisburg Tribune Printing and Publishing Company. Capital stock \$5,000.	Printing and publishing in all its branches.	Harrisburg city, Pa.
North Side Building and Loan Association. Capital stock \$500,000.	The accumulation of a fund by weekly payments, sufficient to make loans to its members, from time to time, and to enable them to procure homesteads, and to prosecute their lawful business.	Allegheny city, Allegheny county.
Saltzburg Coal Company. Capital stock \$200,000.	Mining, preparing, shipping to market and disposing of coal.	Bell and Loyalhanna townships, Westmoreland county, Pa.
The Germantown Land Company. Capital stock \$110,200.	Purchasing real estate, improved or unimproved, and the improvement thereof, and the division, sale and allotment thereof, before or after such improvement, for the profit and advantage of the stockholders.	Philadelphia city and county.
Keely Motor Company. Capital stock \$30,000.	Purchasing, holding and selling of patent rights for the inventions of John W. Keely, and for other inventions and designs, and for the issuing and selling of rights and licenses under such patents, and carrying on the business of manufacturing and selling machines, engines, apparatus and devices embodying in whole or part such inventions.	Philadelphia city, Pa.
The Millheim Building and Loan Association. Capital stock \$12,400.	The mutual benefit of its members in saving periodically a portion of their earnings and profitably investing the same, thereby enabling them to purchase or build their own houses.	Millheim, Centre county, Pa.



## LIST OF CHARTERS OF CORPORATIONS—CONTINUED.

STYLE AND TITLE OF CORPORATION.	PURPOSE.	LOCATION.
American Carburetter Company. Capital stock \$200,000.	Purchasing, holding and selling patent rights for inventions and designs, with the right to issue licenses for the same, and receive pay therefor; and also for carrying on the business of manufacturing gas machinery, fixtures and other patented articles, and with the right to sell or grant licenses for the use of the same.	Philadelphia city; the business of the corporation to be transacted in said city and elsewhere.
West Philadelphia Germania Building and Loan Association. Capital stock \$1,000,000.	Enabling its stockholders to accumulate a fund from monthly contributions to build or purchase for themselves, dwelling houses or other real estate.	Philadelphia city, Pa.
York Manufacturing Company. Capital stock \$50,000.	The manufacture and sale of all kinds of agricultural implements, domestic, mill and other machinery.	York borough and county.
The South Eleventh Street Market Company. Capital stock \$50,000.	Acquiring and holding a certain market house and building, and lot of ground, situate on the east side of Eleventh street, at the distance of thirty-six feet southward from Fitzwater street, in the city of Philadelphia, containing in front on said Eleventh street, two hundred and fifty feet, and extending in depth, eastward eighty-five feet to Lillian street, under and subject to four certain yearly ground rents of two hundred and seventy-two dollars, one hundred and thirty-six dollars, five hundred and seventy-six dollars, and nine hundred and ninety-two dollars per annum, respectively; and of paying off and extinguishing the said ground rents; and of holding and acquiring such other real and personal property as the corporation may, after its organization, acquire for the sale and vending of meats and vegetables, and all other kinds of victuals and provisions whatsoever; and to lease, rent, hire or otherwise dispose of the said market house, building and lot of ground, and the stalls and stands therein, or any one or more of them, and of the whole or any part of the property, real and personal, of the said corporation, as the company may determine.	Philadelphia city.

<p>The Philadelphia and Susquehanna Blue Stone Company. Capital stock \$24,000.</p>	<p>Mining and quarrying blue stone, and dealing in all kinds of the same.</p>	<p>Bradford county; the principal office of the company to be in the city of Philadelphia.</p>
<p>The Pottsville Building and Loan Association. Capital stock \$1,000,000.</p>	<p>To give its members an opportunity of making secure deposits, accumulating interest speedily, and by the accumulation and proper management thereof, or by loans made, to enable them to purchase real estate, erect buildings, pay off mortgages and accomplish like objects.</p>	<p>Pottsville, Schuylkill county, Pa.</p>
<p>Greensburg Coal Company. Capital stock \$20,000.</p>	<p>The mining of coal, the manufacture of coke, and the preparing, shipping to market and disposal of the same.</p>	<p>Westmoreland county, Pa.; the business of the corporation to be transacted in the borough of Greensburg and township of Hempfield, in said county.</p>
<p>The Alliquippa Building and Loan Association of McKeesport, Pa. Capital stock \$400,000.</p>	<p>Transacting such business as building and loan associations are or shall be authorized by law to do.</p>	<p>McKeesport borough, Allegheny county, Pa.</p>
<p>The Jordan Mining and Manufacturing Company. Capital stock \$20,000.</p>	<p>Mining and quarrying ore, and other minerals and materials which may be found in and upon lands now held under lease by the corporation in South White Hall township, in the county of Lehigh and State of Pennsylvania, and in and upon such other lands as the said corporation may hereafter acquire, and also the manufacturing, transporting to market and selling said ores, minerals and materials.</p>	<p>Lehigh county, Pa.</p>
<p>The Philadelphia Disintegrating Mill and Manufacturing Company. Capital stock \$75,000.</p>	<p>Manufacturing and operating disintegrating mills, and for doing in connection therewith, a general machine and foundry business.</p>	<p>Bridgeport, Montgomery co., Pa.</p>
<p>Point Bridge Company. Capital stock \$300,000.</p>	<p>Erecting, constructing and maintaining a toll bridge and approaches thereto, for public travel and accommodation, from a point near the junction of the Allegheny and Monongahela rivers, across the Monongahela river, to a point at or near Lorenz glass works, and to collect tolls from the same.</p>	<p>Pittsburg city.</p>
<p>Shenandoah Gas Light Company. Capital stock \$25,000.</p>	<p>Manufacturing and selling illuminating gas.</p>	<p>Shenandoah borough, Schuylkill county, Pa.</p>

## LIST OF CHARTERS OF CORPORATIONS—CONTINUED.

STYLE AND TITLE OF CORPORATION.	PURPOSE.	LOCATION.
The People's Gas Light and Fuel Company. Capital stock \$100,000.	Manufacturing and supplying gas to the public.	Norristown borough, Montgomery county, Pa.
The West Penn Building and Loan Association No. 2. Capital stock \$500,000.	The accumulation of a fund sufficient to enable the stockholders to build or purchase for themselves, respectively, dwelling houses or such other real estate, within the city or county of Philadelphia, as they may deem advantageous.	Philadelphia city.
Philadelphia Butchers' Ice and Coal Company. Capital stock \$100,000.	The purchase and sale of ice and coal to the public.	Philadelphia city; the business of the corporation to be transacted in said city and in the adjoining counties.
O'Hara Building and Loan Association of Allegheny city. Capital stock \$200,000.	Conducting such business as building and loan associations may lawfully do under the act of assembly in such case made and provided.	Allegheny city, Pa.
The Twenty-fourth Ward Building and Loan Association of Pittsburgh, Pa. Capital stock \$100,000.	Accumulating money, granting loans to its members, and other lawful business.	Pittsburg city, Pa.
The Kensington Building Association, No. 4. Capital stock \$1,000,000.	Accumulating a fund by contributions, which shall enable the members to purchase a homestead or other real estate.	Philadelphia city, Pa.
The Marietta Market Company. Capital stock \$5,000.	Establishing and maintaining a market for the sale of meat, poultry, game, fish, fruits, and all kinds of vegetables and country produce, and other marketable articles, by the erection of suitable buildings, with stalls and stands, for the accommodation of sellers and buyers.	Marietta borough, Lancaster county, Pa.

<p>Aquometer Steam Pump Company.</p> <p>Capital stock \$125,000.</p>	<p>To manufacture and sell a certain steam pump, known as "Prall's Patent Steam Pump," as secured by letters patent of the United States, to wit:—No. 116,761, dated July 14, 1871, for automatic steam pumps, to William E. Prall, and re-issue of same to him, No. 5,869, dated March 24, 1874; No. 121,962, dated December 19, 1871, for automatic steam traps, to Wm. E. Prall, and re-issue of same to him, No. 5,715, dated December 30, 1873, and No. 146,095, dated December 30, 1873, for improvement in steam vacuum pumps, to William E. Prall and David A. Burr; and all improvements or amendments, re-issues or extensions of the same, or any of them, the said letters patent, and of other steam pumps, and steam and water fittings, and similar articles, and the making of licenses or assignments of township, county and other territorial rights, to make, use or vend said patented steam pumps under said letters patent aforesaid, or any of them.</p>	<p>Philadelphia city; the company to have the right to establish such branch stores or agencies in the state of Pennsylvania and throughout the United States, as the wants of the public or its business may require.</p>
<p>The Consolidation Building Association, No. 2.</p> <p>Capital stock \$1,000,000.</p>	<p>Accumulating a fund by the contributions of the members, which shall enable them to purchase a homestead or other real estate, or to borrow money for investment in any lawful business.</p>	<p>Philadelphia city and county.</p>
<p>The Chester Real Estate Association.</p> <p>Capital stock \$71,600.</p>	<p>Purchasing real estate, improved or unimproved, and improvement thereof, before or after such improvement, for the benefit, profit and advantage of the stockholders.</p>	<p>Philadelphia city.</p>
<p>The Atlantic Pipe Company.</p> <p>Capital stock \$80,000.</p>	<p>Producing, piping, transporting and storing petroleum oil.</p>	<p>Clarion and Venango counties, Pa.; the principal office of the company to be in Clarion county.</p>
<p>The Atlantic Gas Carburettetng Company.</p> <p>Capital stock \$200,000.</p>	<p>Manufacturing and selling a certain improved gas carburetting machine, for the which letters patent of the United States were issued to Thomas J. Martin, assignor to T. J. Martin, D. W. Stewart and W. E. Prall, bearing date January 19, 1875, and numbered 158,892, and the sale and issue of licenses or assignment of township and county rights for the manufacture and sale of gas carburetting machines in the state of Pennsylvania, under and by virtue of the aforesaid letters patent, or of others which may be acquired by said corporation with reference to the carburetting of gas, and the use thereof; and for the manufacture and sale of other gas carburetting machines, and of cocks, valves and other fittings and appliances appertaining to such machines, and to the use of carburetted gas and its proper delivery.</p>	<p>Philadelphia city, with such branch agencies in the state of Pennsylvania as the business of the corporation may demand.</p>

## LIST OF CHARTERS OF CORPORATIONS—CONTINUED.

STYLE AND TITLE OF CORPORATION.	PURPOSE.	LOCATION.
Etna Building and Loan Association of Pittsburgh, Pa. Capital stock \$100,000.	Purchasing homes for its members, aiding them in their business, and generally to have and enjoy all the powers and be subject to the restrictions contained in the thirty-seventh section of the act of April 29, 1874, providing for the incorporation and regulation of certain corporations.	Pittsburg city, Allegheny co., Pa.
The Sugar Valley Lumbering, Mining and Manufacturing Company. Capital stock \$60,000.	Lumbering, mining, smelting and manufacturing.	Montgomery, Union, Clinton and Lycoming counties, Pa.; the business of the company to be transacted at North Wales, Montgomery county, and in each of the other counties.
The Muncy Gas Company. Capital stock \$5,000.	Supplying with gas light the borough of Muncy and the township of Muncy Creek, in the county of Lycoming, and such persons, partnerships and corporations, residing or doing business therein, as may desire the same.	Lycoming county, Pa.; the business of the company to be transacted in the borough of Muncy.
Crystal Spring Water Company. Capital stock \$25,000.	Erecting and maintaining buildings, reservoirs, pipes, &c., for the reception and conveyance of water to supply the citizens of Downingtown and vicinity therewith, as provided by section thirty-four of the act of April 29, 1874, providing for the incorporation and regulation of certain corporations.	Chester county; the business of the corporation to be transacted in the borough of Downingtown.
Port Trevorton and Herndon Ferry. Capital stock \$500.	Transportation, carrying and ferrying passengers, wagons, horses, cattle, and such other purposes for which a ferry is used.	Snyder and Northumberland counties, Pa.; the business of the corporation to be transacted in Port Trevorton, Snyder county.
Safeguard Building and Loan Association No. 2. Capital stock \$1,000,000.	Obtaining the powers and franchises set forth and contained in section thirty-seven of the act of April 29, 1874, providing for the incorporation and regulation of certain corporations.	Philadelphia city, Pa.
Dyott Manufacturing Company. Capital stock \$150,000.	Manufacturing and dealing in lamps and metal goods.	Philadelphia city, Pa.

Philadelphia Soda Fountain Company. Capital stock \$50,000.	To manufacture, contract for, purchase and sell or lease portable soda water fountains, under T. A. Long's patent and all improvements that may be made thereon; to sell rights or to issue licenses to others to manufacture, sell and use portable soda water fountains, and also to purchase and sell all articles of merchandise connected therewith; to make territorial grants for a valuable consideration, and to purchase, hold and sell patents rights for other inventions and designs in soda fountain apparatus and for any other invention appertaining thereto.	Philadelphia city, Pa.
The Standard Steel Works. Capital stock \$100,000.	Manufacturing steel, and articles composed of steel and other metals and materials, and of selling the same, and of doing all things necessary and incidental thereto.	State of Pennsylvania; the principal office to be in the city of Philadelphia.
The Vencedor Steamboat Company. Capital stock \$3,000.	Building boats, and carrying persons and property thereon.	Allentown city, Pa.
Lykens Printing Association. Capital stock \$3,000.	The printing, publishing and selling of a newspaper, books and any other printed matter not prohibited by law.	Lykens borough, Dauphin co., Pa.
The Workmen's Building and Loan Association of Allegheny city. Capital stock not to exceed \$500,000.	Accumulating a fund from the periodical contributions and payments of its stockholders, to be loaned to its stockholders on approved securities, in order to assist them in procuring a homestead or aid them in their business, and to transact such other business as building and loan associations may lawfully transact under the laws of this commonwealth.	Allegheny city, Allegheny co., Pa.
The Tamaqua Boot and Shoe Manufacturing company. Capital stock \$50,000.	Manufacturing boots and shoes.	Tamaqua, Schuylkill county, Pa.
The Richmond Mutual Building and Loan Association of Port Richmond, Philadelphia. Capital stock \$500,000.	Transacting the business of a building and loan association, and the accumulation of a fund for the benefit of its members.	Philadelphia city.
Franklin Building Association, No. 5. Capital stock \$500,000	Obtaining the powers and franchises set forth and contained in the first clause of the thirty-seventh section of the act of April 29, 1874, providing for the incorporation and regulation of certain corporations.	Philadelphia city and county.

## LIST OF CHARTERS OF CORPORATIONS—CONTINUED.

STYLE AND TITLE OF CORPORATION.	PURPOSE.	LOCATION.
The Spring City Gas Light Company. Capital stock \$25,000.	Manufacture and supply of gas.	{ Spring Creek, Chester co., and Roy- er's Ford, Montgomery co., Pa.
The Mechanics' Saving Fund and Building Association of Pottsville. Capital stock \$1,000,000.	Securing for its members a safe investment for their funds, to purchase real estate, erect buildings, and to give them an opportunity to obtain houses at a moderate cost on easy terms of payment.	{ Pottsville, Schuylkill county, Pa.
The Girard Brass and Ornamental Iron Company. Capital stock \$25,000.	Carrying on the manufacturing business of iron and brass goods.	{ Philadelphia city.
The Ridge Avenue Farmers' Market Company of Philadelphia. Capital stock \$100,000.	Establishing and maintaining a market house, and an hotel in connection therewith, and doing all things necessary and incident thereto.	{ Philadelphia city and county.
The Seller's Manufacturing Com- pany. Capital stock \$100,000.	Manufacturing, purchasing and selling wire goods, railings, steam packing and mill supplies.	{ Philadelphia city.
The Odorless Excavating and Man- ufacturing Company of Philadel- phia. Capital stock \$100,000.	Purchasing, holding and selling patent rights relating to ap- paratus and systems for excavating the accumulations of cess-pools, vaults, sinks, etc., in and for the city and county of Philadelphia and vicinity; to excavate and utilize such accumulations by manufacturing the same into fertilizers, or otherwise, and to sell the same, and to do all things ne- cessary, incidental and pertaining thereto.	{ Philadelphia city, Pa.
The Lumbermen's Building and Loan Association of Philadelphia. Capital stock \$1,000,000.	Obtaining the powers and franchises set forth in section thirty-seven, clause seven, of the act of April 29, 1874, pro- viding for the incorporation and regulation of certain cor- porations.	{ Philadelphia city, Pa.
The M'Knight Water Repellant Man- ufacturing Company. Capital stock \$100,000.	The treating of manufactured articles with a patent process to make them water repellant, and the manufacture of ar- ticles so treated.	{ Philadelphia city, Pa.

Dexter Spring Company. Capital stock \$24,000.	To carry on the business of manufacturing springs and attachments, etc., for all kinds of road vehicles and cars.	Verona borough, Allegheny co., Pa.
The Prospect Park Land Association. Capital stock \$52,200.	Purchasing real estate, improved or unimproved, and the improvement thereof, and the division, sale and allotment thereof, before or after such improvement, by public or private sale, to the stockholders or others, for the profit and advantage of the stockholders.	Delaware county, Pa.
The North Chester Borough Land Association. Capital stock \$40,000.	Purchasing real estate, improved or unimproved, and the improvement thereof, and the division, sale and allotment thereof, before or after such improvement, by public or private sale, to the advantage of the stockholders.	Delaware county, Pa.
Stroudsburg Gas Light and Fuel Company. Capital stock \$30,000.	Manufacturing and supplying gas to the public.	Stroudsburg borough, Monroe co., Pa.
West Harrisburg Loan Association. Capital stock \$240,000.	Forming a capital by means of the earnings of its members, so as to procure for each of them the means of acquiring real estate.	Harrisburg, Dauphin county.
Chester Rolling Mills. Capital stock \$100,000.	Manufacturing iron, or steel or wood in all their forms, either singly or in combination.	Chester, Delaware county, Pa.
The Germania Slate Company. Capital stock \$150,000.	Quarrying and manufacturing roofing slate and mantels, school slates and other articles of commerce, manufactured from slate in whole or in part.	Washington twp., Lehigh co., Pa.
Pelletier Beton Stone Company of the United States. Capital stock \$100,000.	Manufacturing and selling artificial stone, and the vending of county rights to manufacture and sell the same.	Philadelphia.
* The Lehigh Zinc Company. Capital stock \$1,000,000.	To continue the business of the said company as it is now carried on, and generally the mining of zinc ores and the manufacturing of the same.	South Bethlehem bor., Northampton co., Pa.; the principal office to be in the city of Philadelphia.
The Home Building and Loan Association. Capital stock \$600,000.	Accumulating a fund by contributions of the members, which shall enable them to purchase homesteads or other real estate, and to borrow money for their use and for investment in any lawful business.	Chester city, Delaware county, Pa.

\* A re-charter.



## CERTIFICATE.

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OFFICE OF THE SECRETARY OF THE COMMONWEALTH, )  
HARRISBURG, *May* 1, 1875. . }

I DO HEREBY CERTIFY, that the foregoing, as contained on the twenty-one last preceding pages, is a full, true and correct list of all charters of corporations created and organized under the provisions of an act of the General Assembly of the Commonwealth of Pennsylvania, entitled "An Act to provide for the incorporation and regulation of certain corporations," approved April 29, A. D. 1874, enrolled in this office between the 14th day of July, A. D. 1874 and the 1st day of May, A. D. 1875.

M. S. QUAY,  
*Secretary of the Commonwealth.*

# INDEX

TO CHARTERS OF CORPORATIONS CREATED AND ORGANIZED UNDER  
ACT OF APRIL 29, 1874.

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	PAGE.
Adams and Perry Watch Manufacturing Company of Lancaster.....	88
Allegheny and Cork's Run Ferry Company.....	92
Allentown and Coopersburg Turnpike Company.....	82
Alliquippa Building and Loan Association of M'Keesport, Pennsylvania....	95
Ambler Building and Loan Association.....	83
American Carburetter Company.....	94
Aquometer Steam Pump Company.....	97
Ashland Gas Light Company.....	84
Atlantic Gas Carburetting Company..	97
Atlantic Pipe Company.....	97
Bechtelsville Iron Company.....	90
Borrowers' Building and Loan Association.....	89
Bristol Water Company.....	85
Buffalo Coal Company.....	88
Butler Mining and Manufacturing Company.....	93
Central Building and Loan Association of the Seventeenth ward, Pittsburg,	86
Chester Real Estate Association.....	97
Chester Rolling Mills.....	101
Choptank Improvement Company.....	88
Commodore Barry Building and Loan Association .....	82
Concordia Building Association, No. 3.....	90
Conshohocken Gas Light Company.....	91
Consolidation Building Association, No. 2.....	97
Continental Building and Loan Association.....	92
Cressona Woolen Manufacturing Company.....	90
Crystal Spring Water Company .....	98
Dexter Spring Company .....	101
Downington Building and Improvement Company .....	87
Doylestown and Dublin Turnpike Road Company.....	84
Dyott Manufacturing Company.....	98
Emaus Building and Loan Association .....	87
Enterprise Building and Loan Association .....	90
Episcopal Register Publishing Company.....	92
Etna Building and Loan Association of Pittsburg, Pennsylvania.....	96
Fidelity Building and Loan Association of Mahanoy City.....	91
Fifth Humboldt Building and Savings Association.....	89

	PAGE.
First National Saving Fund and Loan Association of Conshohocken.....	88
Frankford Road Land Company.....	84
Franklin Brush Company.....	81
Franklin Building Association, No. 5.....	99
Fulton Coal Company.....	89
George W. Hyde Loan and Building Association No. 2.....	85
German Reform Building Association of Philadelphia.....	87
German South-eastern Building Association.....	86
Germania Building Association No. 3.....	86
Germania Slate Company.....	101
Germantown and Glenwood Avenue Land Company.....	88
Germantown Land Company.....	93
Girard Brass and Ornamental Iron Company.....	100
Glen White Coal and Lumber Company.....	90
Green Hill Building and Loan Association No. 2.....	82
Greensburg Coal Company.....	95
Guarantee Building and Loan Association.....	87
Harrisburg Tribune Printing and Publishing Company.....	93
Herald Publishing Company.....	82
Home Building and Loan Association.....	101
Householder's Building and Loan Association.....	83
Influential Building and Loan Association of the city of Philadelphia.....	87
International Publishing Company.....	88
Ionic Building and Loan Association.....	89
Jordan Mining and Manufacturing Company.....	95
Keely Motor Company.....	93
Kensington Building Association No. 4.....	96
Keystone Safety Gas Machine Company.....	81
Lancaster Bolt Company.....	84
Lehigh Slate Company.....	82
Lehigh Zinc Company.....	101
Loiseau Pressed Fuel Company.....	93
Lumbermen's Building and Loan Association of Philadelphia.....	100
Lykens Printing Association.....	99
Madison Savings and Loan Association.....	89
Mahanoy City Gas Company.....	88
Marietta Market Company.....	96
Masonic Hall Association of Ardmore, in the county of Montgomery.....	93
M'Knight Water Repellant Manufacturing Company.....	100
Meadville Water Company.....	91
Mechanics' Saving Fund and Building Association of Pottsville.....	100
Millheim Building and Loan Association.....	93
Monitor Building and Loan Association.....	86
Muncy Gas Company.....	98
National Publishing Association for the promotion of holiness.....	85
National Savings Fund and Building Association.....	82
New Commercial Loan and Building Association.....	87
Nimson Forge and Axle Company.....	81
North Chester Borough Land Association.....	101
North Side Building and Loan Association.....	93
Oak Building Association.....	86

	PAGE.
Odorless Excavating and Manufacturing Company of Philadelphia.....	100
O'Harra Building and Loan Association of Allegheny City.....	96
Oil City Pipe Company.....	92
Olive Building Association.....	86
Pelletier Beton Stone Company of the United States.....	101
People's Gas Light and Fuel Company.....	96
Philadelphia Burial Case Company.....	84
Philadelphia Butchers' Ice and Coal Company.....	96
Philadelphia Disintegrating Mill and Manufacturing Company.....	95
Philadelphia Morocco Company.....	91
Philadelphia and Susquehanna Blue Stone Company.....	95
Philadelphia Soda Fountain Company.....	99
Pittsburg Chain and Car Link Manufacturing Company.....	92
Pittsburg Storage Company.....	85
Pittsburg Wagon Works.....	85
Plymouth Gas Company.....	89
Point Bridge Company.....	95
Port Trevorton and Herndon Ferry Company.....	98
Pottsville Building and Loan Association.....	95
Progressive Building and Loan Association, No. 2.....	83
Prospect Building and Loan Association.....	87
Prospect Park Land Association.....	101
Radiant Star Building and Loan Association, No. 2.....	91
Richmond Mutual Building and Loan Association of Port Richmond, Philadelphia.....	99
Ridge Avenue Farmers' Market Company of Philadelphia.....	100
Rockhill Telegraph Company.....	91
Roxborough Saving Fund and Loan Association of Roxborough.....	91
Safeguard Building and Loan Association of Philadelphia.....	84
Safeguard Building and Loan Association No. 2.....	98
Saltzburg Coal Company.....	93
Sandy Lake Building and Loan Association.....	91
Scheurman Building, Loan and Saving Fund Association.....	90
Schuylkill Land Improvement Company.....	92
Schuylkill Tanning and Manufacturing Company.....	83
Sellers Manufacturing Company.....	100
Shamokin Gas Light Company.....	93
Shenandoah Gas Light Company.....	95
Sixteenth Ward Building Association.....	86
South Danville and Riverside Water Company.....	83
South Eleventh Street Market Company.....	94
South Side Building and Loan Association of Pittsburg, Pennsylvania.....	92
Spring City Gas Light Company.....	100
Standard Publishing Company.....	87
Standard Steel Works.....	99
Stroudsburg Gas Light and Fuel Company.....	101
St. Patrick's Building Association.....	86
St. Timothy's Building and Loan Association of the City of Philadelphia....	84
Sugar Valley Lumbering, Mining and Manufacturing Company.....	98
Susquehanna and Oakland Bridge Company.....	81
Susquehanna Ferry Company.....	85

	PAGE
Susquehanna Water Company.....	7
Tamaqua Boot and Shoe Manufacturing Company.....	8
Third Ward Building and Loan Association.....	7
Towanda Eureka Mower Company.....	8
Twenty-fourth Ward Building and Loan Association of Pittsburg, Pa.....	8
Union Building and Loan Company.....	8
Vencedor Steamboat Company.....	8
Walton Wrench Manufacturing Company.....	8
Washington Building and Loan Association.....	8
Welcome Building and Loan Association of Philadelphia.....	8
Wells and Hope Company.....	8
West Harrisburg Loan Association .....	101
West Market Street Building and Loan Association.....	8
West Penn Building and Loan Association No. 2.....	8
West Philadelphia Germania Building and Loan Association.....	8
Western Electric Telegraph and Instruction Company.....	8
Workingmen's Building Association of Chester.....	8
Workingmen's Building and Loan Association of Allegheny city.....	8
York Manufacturing Company .....	8

# INDEX TO LAWS.

## A.

	PAGE.
ABDUCTION OF CHILDREN, provisions fixing punishment for, amended.....	4
Adjutant general, appropriation for re-furnishing office of .....	14
Advertisements of notices in separate orphans' courts, judges may establish rules relative to.....	29
Agricultural society, State, for publication of tenth volume of transactions of,	84
Aldermen, Harrisburg city, repeal of act relative to fees of.....	68
Allegheny county—Courts of oyer and terminer and quarter sessions, manner of detailing judges to hold, directed.....	62
Repeal of act extending certain road law to Indiana township.....	63
Appeals, to provide for, in cases where county commissioners and auditors fail to fix compensation of county treasurers .....	54
Appropriations, local, act authorizing and regulating the making of, to homes for friendless children .....	46
state—General act.....	11
Adjutant general, for re-furnishing office of .....	14
Best, Daniel.....	75
Blind, institution for instruction of .....	20
Board of public charities, expenses of .....	21
Brinard, Josiah .....	68
Burroughs, B. F.....	75
Clerk hire in departments .....	11, 44
Clerks, legislature .....	13, 14
Clock on capitol, for winding and oiling .....	13
Commission to correct arms of state.....	15
Common schools .....	12
Cutler, George H., speaker of senate.....	14
Department expenses.....	11, 44
Fees in commonwealth cases, payment of .....	15
Fire companies, Harrisburg.....	13
Fish, for propagation and protection of.....	21
Fuel for legislature and departments.....	14
Hospital for insane, at Danville.....	19
at Harrisburg .....	24
House of Refuge, at Philadelphia.....	20
Idle, Jacob.....	66
Indexing journals of legislature.....	14
Legislative Record.....	12
Interest on Chambersburg certificates .....	14
state debt.....	14

	PAGE
Appropriations, state—Judiciary.....	13
Laws and journals, and department reports, distribu- tion of.....	14
Legislative Record, to publisher of .....	12
Legislature, expenses of .....	13
legal representatives of deceased mem- bers.....	15
repairs to and furnishing chambers of two houses.....	14
Maxwell, Amy E.....	65
M'Cormick, H. H., late speaker of house of represen- tatives.....	14
M'Guire, William.....	75
Miscellaneous expenses in offices of resident clerk of house of representatives and clerk of senate.....	14
Officers of state, salaries of.....	11
Pennsylvania Reform School .....	24
Training School for feeble-minded chil- dren.....	22
Pensions and gratuities .....	20
Powder magazine at Philadelphia, rent of, and taxes on .....	14
Public buildings and grounds, repairs and improve- ments to .....	12
water and gas for ....	13
Public printing and binding .....	12
Quay, M. S., secretary of commonwealth, for certain services.....	15
Riot at Susquehanna Depot, for payment of expenses of investigation relative to.....	75
Robinson, George .....	65
Soldiers' and sailors' orphans, for education and main- tenance of, and expenses of department for.....	44
Stationery for legislature and departments.....	14
Western penitentiary .....	19
Writs ordering special elections in certain representa- tive and senatorial districts, for payment of expenses of serving.....	73, 74, 75
Arms of state, appropriation for expenses of commission to correct .....	15
Assessors, courts of common pleas to appoint, for cities of second and third classes .....	9, 15

## B.

BANKING, supplement to act to establish a system of free.....	53
Best, Daniel, for payment of, for certain services rendered.....	75
Bills of exchange, days of grace to be allowed on .....	38
Blind, appropriation to institution for instruction of .....	20
Board of public charities, appropriations for expenses of.....	21
Bonds issued by cities of third class for building water works, validated ....	39
Boroughs—Authorized to levy and collect gas, oil and water tax.....	55
Coatesville, Chester county, repeal of act to allow voters to vote on question of granting liquor licenses .....	67
Bounty moneys, North and South Abington townships, Luzerne county, ap- propriated to school purposes .....	65

	PAGE.
Brinard, Josiah, pension granted to.....	68
Burgesses, Dauphin county, repeal of act relative to fees of.....	66
Burroughs, B. F., for payment of, for services as engineer.....	75

## C.

CENTENNIAL MANAGERS for international exhibition, to provide for appointment of state board of .....	50
Certificates of loan to citizens of Chambersburg and vicinity for war damages, appropriation for payment of interest on .....	14
Cities—Supplement to act dividing, into three classes, regulating passage of ordinances, &c.....	7, 15
Terms of officers of, regulated, and time for organization of legislative departments and inauguration of mayors, fixed .....	6
To validate bonds or certificates issued by, for building water works, .....	39
Claim of Emanuel Peters and John Loutey, to provide for settlement of ....	69
Clerks, departments and legislature, appropriations for .....	11, 13, 14, 44
Clock on capitol, appropriation for winding and oiling .....	13
Coal mines, basis from which to calculate earnings of persons working in, fixed .....	38
Commission to correct maps of state, appropriation for expenses of .....	15
Common schools—See Schools.	
Concealed weapons, to punish persons for carrying .....	53
Constables, Dauphin county, repeal of acts relative to fees of.....	66, 68
Constitutional convention, settlement of claims for work done and materials furnished for, authorized.....	33
Corporations—Married women authorized to transfer loans of.....	24
Supplement to act for taxation of.....	31
Courts—Act relating to.....	25
Appropriations for salaries and mileage of judges of.....	13
Common pleas, to appoint assessors for cities of second and third classes.....	9, 15
Judges authorized to fix number of terms of, time for summoning grand jury, &c.....	28
Magistrates', Philadelphia city, relative to establishment and jurisdiction of .....	56
Nineteenth judicial district, to authorize an additional judge of.....	69
Orphans', act relating to .....	29
holding of, by other than the regularly commissioned judges, authorized in certain cases.....	5
Quarter sessions and oyer and terminer, Allegheny county, act directing manner of detailing judges to hold.....	62
Return of process in certain, relative to .....	3
Supreme, judges of, authorized to appoint court criers and tipstaves, .....	5
Cutler, George H., speaker of senate, appropriation to.....	14

## D.

DAUPHIN COUNTY—Repeal of act relative to fees of burgesses, justices of peace and constables.....	66
Repeal of act relative to fees to be paid by, for arrest and commitment of vagrants and disorderly persons.....	63
Debt of municipalities, increase and redemption of, supplement.....	46
state, appropriation for payment of interest on.....	14
Deer, protection of.....	26
Department expenses, appropriations for.....	11, 41



## E.

PAGE

ELECTION DISTRICTS, relative to payment of costs and expenses of division of.....	20
Engravings of state capitol and state house at Philadelphia, appropriation for procuring .....	15

## F.

FEEBLE-MINDED CHILDREN, appropriation to school for.....	22
Fees for arrest and commitment of vagrants, &c., Harrisburg city, repeal of act relative to.....	63
in commonwealth cases, appropriation for payment of.....	15
of burgesses, justices of peace and constables, Dauphin county, repeal of act relative to.....	63
of mayor, aldermen, constables and police constables, Harrisburg city, repeal of act relative to.....	68
Fines and forfeited recognizances, Lycoming county, repeal of act relative to, Fire companies, Harrisburg, appropriation for.....	67
Fish, appropriation for propagation and protection of.....	13
Fuel for legislature and departments, appropriation for.....	21
	14

## G.

GAME, supplement to act to amend and consolidate acts relating to.....	26
Gas for public buildings and grounds, appropriation for.....	13
Geological survey of state, for printing additional copies of board of commissioners of.....	72
Grace, relative to days of, on negotiable paper.....	38
Grand jury, may be summoned to meet prior to term time, and be detained for an additional week.....	28
Gratuities and pensions, appropriation for.....	20

## H.

HARRISBURG CITY, repeal of certain acts relative to fees of mayor, aldermen, &c.....	63, 68
Homes for friendless children, act authorizing and regulating the making of local appropriations to.....	46
Hospital for insane, at Danville, appropriations for .....	19
at Harrisburg, appropriation for.....	24
House of refuge, Philadelphia, appropriation for.....	20

## I.

IDLE, JACOB, for relief of.....	66
Indexes, recorders of deeds to prepare and keep certain.....	32
to journals of legislature, appropriation for making.....	14
to Legislative Record, appropriation for making.....	12
Insane, appropriations to hospitals for.....	19, 24
Interest on Chambersburg certificates, appropriation for payment of.....	14
on State debt, appropriation for payment of.....	14

## J.

JOURNALS OF LEGISLATURE, appropriation for indexing and distributing ..	14
see also Legislative Record.	
Judges—See Courts.	

# INDEX TO LAWS

111

	PAGE.
Judicial district, to correct error in designating certain.....	23
Justices of the peace, Dauphin county, repeal of act relative to fees of.....	66
Jury wheels, to provide a remedy for irregularity in the sealing up and custody of.....	5
see also Grand Jury.	

## K.

KIDNAPPING, offence of, further defined, and additional penalties affixed thereto.....	4
--	---

## L.

LANCASTER COUNTY, repeal of act extending certain road law to Providence township.....	62
Land department, commissioners of public buildings and secretary of internal affairs authorized to make additions to building known as.....	27
Laws and journals, appropriation for distributing.....	14
Legislative Hand-Book, resolution providing for additional copies of.....	72
Legislative Record—Appropriations to publisher of.....	12
Distribution of.....	13
To provide for pre-payment of postage on.....	37
To provide for printing and furnishing wrappers for....	49
Legislature—Appropriations for expenses of.....	13
stationery, fuel and repairs to halls.....	14
to legal representatives of deceased members of.....	15
Librarian of Senate, appropriation for.....	13
Lieutenant governor, to permit postage stamps to be issued to.....	50
Liquor—Repeal of act to permit voters to vote on question of granting licenses to sell, and to regulate sale of.....	40
Repeal of act to permit voters of Coatesville borough to vote on question of granting licenses to sell.....	67
To prevent sale of, at soldiers' encampments or re-unions.....	48
Loutey, John, to provide for settlement of claim of.....	69
Lycoming county, repeal of act relative to fines and forfeited recognizances,	67

## M.

MAGISTRATES' COURTS—See Courts.	
Married women, authorized to transfer loans of corporations.....	24
Maxwell, Amy E., for relief of.....	65
Mayors of cities, when to be inaugurated.....	6
M'Cormick, H. H., late speaker of house of representatives, appropriation to.....	14
M'Guire, William, for payment of, for certain services rendered.....	75
Medical practice, to regulate.....	51
Miners, basis from which to calculate earnings of, fixed.....	38
Miscellaneous expenses in offices of resident clerk of house of representatives and clerk of senate, appropriations for.....	14

## N.

Non-suits, compulsory, to authorize entering of.....	6
Normal schools—See Schools.	
Notices in separate orphans' courts, judges may establish rules relative to publication of.....	29

## O.

	PAGE
OBSTETRICS, to regulate practice of.....	5.
Officers—City, ward, borough, &c., terms of, regulated.....	6
Judges of supreme court authorized to appoint.....	7
State, appropriations for salaries of .....	11, 44
Orphans' courts—See Courts.	
soldiers and sailors, appropriations for education and maintenance of, and expenses of department for .....	44
repeal of proviso in act to provide for educa- tion and maintenance of.....	25
to re-imburse superintendents of certain schools for.....	65, 71

## P.

PARTNERSHIP ASSOCIATIONS, limited, supplement to act authorizing forma- tion of.....	3
Penitentiary, Western, appropriations for .....	19
Pennsylvania institution for instruction of blind, appropriation for .....	20
Reform school, appropriation for.....	21
State lunatic hospital, at Harrisburg, appropriation for.....	24
Training school for feeble-minded children, appropriation to..	22
Pensions and gratuities, appropriation for.....	20
see also Soldiers and Appropriations.	
Peters, Emanuel, to provide for settlement of claim of .....	20
Philadelphia and Reading railroad company, and Philadelphia and Reading coal and iron company, relative to investigation of affairs of.....	25
Philadelphia city—Establishment and jurisdiction of magistrates' courts for, Repeal of act creating separate highway department for Twenty-second ward and supplements thereto.....	64
Plank road companies, supplement to act relative to forfeiture of charters or grants of special or exclusive privileges to.....	37
Postage on Legislative Record, to provide for pre-payment of.....	54
stamps, to permit the issue of, to the lieutenant governor.....	56
Powder magazine, Philadelphia, appropriations for rent of and taxes on....	14
Printing, public, appropriation for.....	12
Process—Return of, in courts abolished or changed by constitution, relative to, Unexecuted, outgoing sheriffs to hand over to successors.....	27
Promissory notes, days of grace to be allowed on.....	30
Public buildings and grounds—Repairs and improvements, appropriations for,	12, 15
Superintendent to make statement of expen- ditures to next session of legislature.....	13
Water and gas, appropriations for.....	12
Winding and oiling clock on capitol, appro- priation for .....	15
Public printing—See Printing.	

## Q.

QUAY, M. S., secretary of the commonwealth, appropriation to, for certain services.....	13
--	----

R.

PAGE.

<b>RAILROAD COMPANIES</b> —Supplement to act to authorize formation and regulation of.....	28
Supplement to act relative to forfeiture of charters or grants of special or exclusive privileges to.....	37
To extend time for completion of railroads authorized to be constructed by.....	7
Philadelphia and Reading, resolution providing for committee to investigate affairs of.....	72
<b>Recorders of deeds</b> , to prepare and keep certain indexes.....	32
<b>Resolutions</b> —Geological survey of state, for printing additional copies of reports of commissioners of.....	72
Legislative Hand-Book, providing for additional copies of.....	72
Payment of engineer and firemen, capitol building, to provide for.....	75
Philadelphia and Reading railroad company, and Philadelphia and Reading coal and iron company, relative to investigation of affairs of.....	72
Riot at Susquehanna Depot, for payment of expenses of investigation relative to.....	75
Writs ordering special elections in certain representative and senatorial districts, for payment of expenses of serving....	73, 74, 75
<b>Roads</b> —Indiana township, Allegheny county, repeal of act relative to.....	63
Providence township, Lancaster county, repeal of act relative to....	62
<b>Robinson, George</b> , to continue pension of.....	68

S

<b>SALARIES OF STATE OFFICERS</b> , members of legislature, judges, &c., appropriations for.....	11, 13, 44
<b>Schools</b> , common, appropriation for.....	12
North and South Abington townships, Luzerne county, surplus bounty moneys appropriated to.....	65
for friendless children, act authorizing and regulating the making of local appropriations to.....	46
soldiers' and sailors' orphan—See Orphans.	
state normal, to provide for election and appointment of trustees of, and to regulate their management.....	43
<b>Secretary of internal affairs</b> , supplement to act regulating election of.....	27
<b>Sheriffs</b> , outgoing, to hand over to successors all unexecuted process.....	27
<b>Soldiers' encampments or re-unions</b> , to prevent sale of liquors and for preservation of order at.....	48
orphans—See Orphans.	
Brinard, Josiah, pension granted to.....	68
Idle, Jacob, for relief of.....	66
Robinson, George, to continue pension of.....	68
<b>State debt</b> —See Debt.	
<b>Stationery</b> for legislature and departments, appropriation for.....	14
<b>Streets</b> —Act to provide for temporary closing of, in certain cases.....	34
Twenty-second ward, Philadelphia city, repeal of act for appointment and election of superintendents and supervisors of, and supplements thereto.....	64
<b>Supreme court</b> —See Courts.	
<b>Surgery</b> , to regulate practice of.....	51

T.

- |   |     |
|---|-----|
| TAXES - Appropriation for payment of, on powder magazine, at Philadelphia | 100 |
| City, provisions relative to  | 100 |
| Gas, oil and water, boroughs authorized to levy and collect               | 100 |
| State, on corporations, supplement to act relative to                     | 100 |
| Taylor, W. G., superintendent of soldiers' orphan school, at Phillipsburg | 100 |
| re-imburse  | 100 |
| Tipstaves, judges of supreme court authorized to appoint                  | 100 |
| Treasurers, county, to provide for appeals in cases where county commis-  | 100 |
| ers and auditors fail to fix compensation of                              | 100 |
| Turnpike companies, supplement to act relative to forfeiture of char-     | 100 |
| ters of special or exclusive privileges to                                | 100 |

## V.

- VAGRANTS**, repeal of act relative to fees to be paid by Dauphin county for  
rest and commitment of.....
- Venue**, to authorize changes of .....

## W.

- WATER FOR PUBLIC BUILDINGS, appropriation for .....  
 Water works, to validate bonds or certificates issued by cities of this  
 for building.....  
 Waters, A. H., superintendent of soldiers' orphans' school, at Union  
 reimburse.....  
 Wrappers for Legislative Record, appropriation for printing.....  
 to provide for printing and furnish.....  
 Writs ordering special elections in certain repre..... and senat.....  
 tates for payment of expenses of serving.....  
 we also provide.....

## Y.

- YORK ON MO. IS UNDER A SILENT CURFEW, BUT ONE OF THE SEVERAL

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T.

<b>TAXES</b> —Appropriation for payment of, on powder magazine, at Philadelphia, City, provisions relative to.....	9, 10, 15, 16
Gas, oil and water, boroughs authorized to levy and collect.....	2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
State, on corporations, supplement to act relative to.....	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
<b>Taylor, W. G.</b> , superintendent of soldiers' orphan school, at Phillipsburg, to re-imburse.....	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
<b>Tipstaves</b> , judges of supreme court authorized to appoint.....	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
<b>Treasurers</b> , county, to provide for appeals in cases where county commissioners and auditors fail to fix compensation of.....	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
<b>Turnpike companies</b> , supplement to act relative to forfeiture of charters or grants of special or exclusive privileges to.....	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

**v.**

**VAGRANTS**, repeal of act relative to fees to be paid by Dauphin county for arrest and commitment of.....

**Venue**, to authorize changes of .....

W.

**WATER FOR PUBLIC BUILDINGS**, appropriation for .....  
**Water works**, to validate bonds or certificates issued by cities of third class  
for building.....  
**Waters, A. H.**, superintendent of soldiers' orphans' school, at Uniontown, to  
re-imburse.....  
**Wrappers for Legislative Record**, appropriation for printing.....  
to provide for printing and furnishing.....  
**Writes ordering special elections** in certain representative and senatorial dis-  
tricts, for payment of expenses of serving.....  
see also Process.

Y.

YORK COUNTY, to authorize an additional judge of the several courts of ....













